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“Assessment of Judicial Training Needs on European Union *acquis* in Serbia”

(Training Needs Assessment REPORT)

Pilot Action on Judicial Training n° IPA/2021/425-032

“Western Balkan II Project”

Year one (March 2022 – March 2023)

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In cooperation with the Judicial Academy of Serbia

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List of Acronyms

CJEU	Court of Justice of the European Union
CTJSP	Centre for Training in the Judiciary and State Prosecution in Montenegro
COE	Council of Europe
CURIA	Court of Justice of the European Union database
DG NEAR	European Commission's Directorate General for Neighbourhood and Enlargement Negotiations
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EJTN	European Judicial Training Network
ERA	Academy of European Law
EU	European Union
EU MS	Member States of the European Union
EUROJUST	European Union Agency for Criminal Judicial Cooperation
HELP	The European Programme for Human Rights Education for Legal Professionals
IPA	Instrument of Pre-Accession Assistance
HJC	High Judicial Council of Serbia
JA	Judicial Academy of Serbia
JTI	Judicial Training Institution
JTM	Judicial Training Methods
MOOC	Massive Open Online Course
NGO	Nongovernmental organization
SPC	State Prosecutorial Council of Serbia
TNA	Training Needs Assessment
TOEE	Training of Experts on EU law
TOT	Training of Trainers
USAID	United States Agency for International Development

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1. Executive Summary

This Training Needs Assessment (TNA) Report and its accompanying recommendations were produced in the context of the “Western Balkans II Project” - Pilot Action on Judicial Training IPA/2021/425-032 (Project), financed by the European Commission’s Directorate General for Neighbourhood and Enlargement Negotiations (DG NEAR) and implemented by the European Judicial Training Network (EJTN).

The Report provides an in-depth analysis of the current judicial training needs on the European Union legislation (*acquis*) in Serbia as a baseline for development of six tailored EU law courses at the Judicial Academy of Serbia, hereinafter called the JA, in 2023-2024. The broad set of recommendations provided herein also aim to support the JA to perform TNAs on the EU *acquis* in the years to come and in the long-term embed EU law training in its national training activities.

The report reflects the opinion of two experts appointed by the EJTN who worked on the conduct and analysis of the results of the TNA in cooperation with the JA from November to January 2022 (Experts). The Experts contributed to the TNA with the elaboration of survey questions, participation in focus groups and meetings with judicial office holders, discussions with project beneficiaries and other relevant stakeholders, and drafting of a proposal for the organization of training courses on EU law and recommendations for improvement of the TNA process, as elaborated in this Report.

The main task of the Experts was to contribute to the achievement of Outcome 1 of the Project: “JA effectively delivers strong, adequate, and efficient judicial training to judges and prosecutors, mainly on EU *acquis*” and Output 1.1 “...JA is able to undertake TNA on EU *acquis* among judges and prosecutors”. The first component of the Project, which defines the JA as one of the primary beneficiaries of this activity, is focusing on further strengthening its existing capacities to plan, organize and analyse results of a TNA and to design and implement training at the national level, specifically on EU law. The Report aims to reflect the opinion and training needs of judges, prosecutors, and trainers from Serbia and to enhance their professional knowledge, practical skills, integrity, and capacities to adhere to European rule of law standards and apply the EU *acquis*.

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The main expected result is the development of a **Training Programme on the EU *acquis***, consisting of **5 (five) face-to-face and 1 (one) online seminar**, which will be incorporated into the JA's Annual Training Programme in 2023 and 2024.

The Experts' assignment started in November 2022 and finished in March 2023 with the elaboration of this Report.

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2. Introduction

2.1. Why provide training on the EU *acquis*

It is essential that national level judges and prosecutors receive in-depth, quality training that allows them to correctly understand and apply European Union (EU) legislation. Judicial professionals in Europe are increasingly dealing with legal issues of an international nature. National training on the EU *acquis* can therefore support daily work of judges and prosecutors, especially in cross-border cases, through coherent application of law across the EU and establishment of mutual trust and increased dialogue with European and national institutions.

Observance of European standards at the earliest possible time in judicial proceedings also contributes to timely case processing and backlog reduction efforts in both national and European courts. The role of the national judicial office holders in application of EU law is therefore paramount to ensure that citizens receive timely access to justice and high-quality judicial services.

2.2. How can training on the EU *acquis* benefit the Serbian judiciary

Given its candidate status and prospect for EU membership, Serbia has taken significant steps to align its normative and institutional framework with the EU *acquis* and further develop its bilateral, regional, and multilateral judicial cooperation. It is in this context of EU integration – approximation of the national legal framework and increased cooperation with EU Member States (EU MS) – that judges and prosecutors in Serbia can benefit from a better understanding and adoption of EU law.

As a body of knowledge, European legislation, jurisprudence of the European courts and the many European judicial cooperation mechanisms, can act as a valuable resource for legal reasoning, case processing and impartial and independent decision-making in Serbia.

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2.3. Tailoring the TNA to the specific country context

Any TNA process must consider the broader judicial context in the country. During the TNA process in Serbia, it is necessary to take into account its EU candidate status and the judicial reform process; 1) the strategic objectives at the European and national levels, 2) the distinctive landscape of *ad hoc* funding and donor support, and 3) the complex legal and institutional framework subject to frequent changes following from the EU accession process.

EU legislation is not directly applicable in non-EU Member States. A deeper examination of the approximation of the local legal environment to EU law is needed. Planning for annual EU law training must balance out the immediate and long-term needs of the judiciary and identify the right priorities and sequence of training provision during the EU accession process, all in an effort to develop a cohesive strategy for training on EU law. To that end, it is also crucial to integrate EU training in the national continuous and initial training program. The training must be tailored to the real needs of judicial professionals (and citizens) of the country.

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3. EJTN Intervention Logic

As an organization, EJTN plays a central role in Europe for coordination of training activities, development of common curricula and exchange of good practices and training methodologies. The goal of the Network is to build a genuine European area of justice and to promote knowledge of legal systems for enhancing the understanding, confidence and cooperation among judges, prosecutors, and court staff across Europe. EJTN is also a platform for larger dissemination of experiences in the field of judicial training.

Above all else, EJTN is a community of judicial training institutions (JTIs) across Europe which facilitates continuous improvement and dialogue on judicial training and offers training activities produced jointly by its Members. Most of the training institutions from EU accession states have a status of Observer at EJTN (including the Judicial Academy of Serbia).

3.1. European Judicial Training Strategy

EU strategic objectives drive the actions of EJTN. The most recent EU strategy on judicial training (*European Judicial Training Strategy for 2021-2024*¹) sets new operational objectives tailored to the needs of different justice professions and focuses on a broader target audience. The main priority of judicial training is to **promote the common rule of law culture**, to **uphold fundamental rights** and to support the **development of specific professional skills** (judge craft, case management, etc.) in addition to **legal education**, by

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions/Ensuring justice in the EU – a European judicial training strategy for 2021-2024/ Brussels,02.12.2020/COM(2020)713 final

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considering the concrete training needs of legal professionals. Building trust in EU-wide justice, by **strengthening awareness of EU law**, is another important goal.

The EU is facing new developments and challenges that need to be addressed by judicial training, including the prospects of EU membership for the Western Balkans. The enhancement of capacities of JTIs from the region is seen as a condition for ensuring sustainability of actions. The **organization of a sound TNA** and a **problem-oriented approach to delivering training** are tools for achieving this objective. In that regard the new *European Judicial Training Strategy* includes consolidating the unique role of EJTn, which can support capacity-building and methodological improvements.

The European Commission particularly encourages the participation of justice professionals from the Western Balkans region in **cross-border judicial training**, as the exchange of experiences among EU and Western Balkan representatives has a cumulative effect of raising competence of those participating in the discussion.

EJTn Strategic Plan 2021-2027 mirrors these objectives. EJTn Members are committed to streamline relations with candidate and neighbouring countries aimed at, inter alia, boosting the capacity of their judicial systems as well as securing the rule of law.²

3.2. EJTn standards

The Project supports the enhancement of JA's capacities for planning and execution of TNAs by considering existing good practices and standards developed at EJTn by its Members.

Indeed, EJTn standards on judicial training - EJTn community and institutional memory - were used as a baseline for the assessment to transfer knowledge to the beneficiary.

² EJTn Strategic Plan 2021-2027 of the European Judicial Training Network, European Judicial Training Network, 2020

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At the same time, this TNA itself supports the evolution and development of best practices at the EJTN Secretariat, for the benefit of all its Members and Observers. EJTN is continuously learning from the work and collaboration of experts and Members in the Network.

The following EJTN standards merit special attention:

- EJTN Guiding Principles³;
- EJTN Handbook on Judicial Training⁴; and
- EJTN Training Guide on Rule Law⁵.

3.2.1. EJTN Judicial Training Principles

The EJTN Judicial Training Principles were adopted unanimously by all EJTN Members in 2016 at the EJTN General Assembly in Amsterdam. The principles serve as a reminder of the importance of continuous and initial training as a guarantee of competence and professionalism of the judiciary. They stress that judicial training must not be limited to legal education but lead to development of professional skills and values. They provide guidance on practical aspects of training implementation, including for selection of trainers and timely organization of activities which align with regular work-life of judges and prosecutors. They reiterate the central role of the JTI in training provision, which contributes to ensuring independence of justice and the protection of the rights judicial actors are called to ensure. Finally, it highlights the importance of the support of the highest judicial authorities in the training process, including the provision of regular funding. The principles serve to inspire the development of national and international

³ Judicial Training Principles, European Judicial Training Network, 2016

⁴ EJTN Handbook on Judicial Training Methodology in Europe, European Judicial Training Network, 2016

⁵ Training Guide on the Rule of Law for Judges and Prosecutors, European Judicial Training Network, Otilia Stefania Pacurari, Rafael Bustos Gisbert, Nicolae Horatius Dumbrava, 2019

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standards, including the Declaration of Judicial Training Principles by the International Organization for Judicial Training (IOJT) in 2017.

3.2.2. EJTN Handbook on Judicial Training

The EJTN Handbook on Judicial Training makes available a checklist of activities and steps to follow during the planning phase. These include: 1) defining the purpose of education and training, 2) setting the main training goals, 3) analysing the job tasks, 4) setting the training programmes/curriculum general objectives, 5) setting the evaluation criteria, 6) selecting the evaluation instruments, and 7) ordering the training program objectives.

The philosophy which should guide the work of training providers is prescribed in three key principles:

- *“Any training program should be needs oriented”*

The specific judicial setting and background of the potential target group must be detected beforehand. Training needs can be further evaluated through surveys, questionnaires, observation, and identification of typical tasks, as well as regular career development discussions with judges and prosecutors. A good practice is also to consult seminar evaluations from previous years and obtain input from civil society and academia.

- *“Any training programme should use a variety of training formats. The approach should be tailored-made.”*

Both legal knowledge and judicial skills should have a prominent place in judicial training. Participants should receive background information and be encouraged to use legal knowledge in interactive, small group discussions. Various training formats can be adopted (case studies, facilitated debates, mock trials, etc.)

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In terms of substance, other disciplines (e.g., economics, politics, science) and personal skills (e.g., management, leadership) can further contribute to the quality of the training.

European law must also be specifically considered. Given the inseparable entwinement of domestic and European law, it “*should form part of virtually any knowledge-based training for judges and prosecutors*”⁶. Most importantly, understanding the interface between domestic and European law in the field of specialization must be one of the key learning objectives.

Finally, the choice of training method must consider the level of knowledge and experience of the target group.

- “*Integrating needs-oriented planning in a general conceptual framework*”.

Defining the purpose of training and education in a judiciary has a lot to do with the country specific judicial culture. At the same time, the training provider should also concern her/himself with recent developments in Europe. Rapid changes in society and human behaviour constantly generate new training needs and should form part of the TNA.

3.2.3. EJTN Training Guide on the Rule of Law

The EJTN Training Guide on the Rule of Law recalls that the 1) the needs assessment process should be a continuous process, 2) those who have relevant information about the needs in specific fields should be identified, 3) data collection and analysis should be organised, and information obtained used, and 4) the needs assessed should contribute to the training programme objectives.

⁶ EJTN Handbook on Judicial Training Methodology in Europe, European Judicial Training Network, 2016, p. 13-15

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3.3. EJTN Members and Experts

EJTN relies on and calls upon its Members – *the EU Member States JTIs and the Academy of European Law (ERA)*, who have experience of judicial training methodologies and training on EU law, to support its activities.

Four experts from the Network were appointed by the Project to transfer knowledge and state-of-the-art best practices on training needs assessment, judicial training methodologies and judicial training on the EU *acquis*, including on the rule of law.

EJTN also holds a *valuable repository of information* on EU law training. Materials from previous seminars were therefore collected to inform the work of the Project during the TNA and will continue to be useful throughout the design phase and delivery of seminars at the JA.

EJTN *(sub-)working groups* are also an important resource for the Project. There are four sub-working groups at EJTN, dealing with specific areas of law (Civil, Criminal, Administrative and Human Rights and Fundamental Freedoms) and two working groups supporting training on judicial skills (Linguistics and Judicial Training Methods). Their experience of the training life cycle and systematic training programme development, as well as their knowledge of recent trends and developments on EU law and interconnection of European and national law in the field of specialization can serve the Project to better assess the training priorities on EU law in Serbia.

Judicial Training Methods (JTM) seminars and *Exchanges for Judicial Trainers* were identified as especially important and integrated in the Project structure. With support from the Project, local trainers from Serbia have an opportunity to attend EJTN events held across Europe and develop their skills as trainers to better prepare for design and delivery of the 5 (five) Project-supported seminars in the local environment.

EJTN also offers *webinars* on EU law on a regular basis, which can be used as complementary resources. The EJTN Lunchtime webinars are an ongoing series of webinars treating topics on Administrative Law, Civil Law, Criminal Justice, Human Rights and Fundamental Freedoms, Linguistics and Judicial Training Methods. Everyone is free to join the webinars as there is no application, no selection process and no national quota foreseen in these webinars.

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3.4. EJTN Partners

EJTN is working collaboratively with many partners in the region to identify training gaps, create synergies and contribute to cohesive support and delivery of training (EU, Council of Europe, Organization for Security and Cooperation in Europe, Regional Cooperation Council, etc.).

Steps are being taken to ensure that Project-supported trainings do not overlap with efforts already made or planned with other donors or European support. Knowledge of such activities can help identify how to best use available resources for the benefit of the JA. Those who provide support should strive to build on what has already been achieved and promote existing good practices wherever possible. Efforts are also being made to support the re-use of materials, identify complementary courses, and support the JA to successfully exercise its role as a coordinator of donor support.

3.5. Project Intervention Logic

Training needs assessment is the first and most critical step in implementing any training.

The key focus of this planning phase must be on detecting and meeting the real training needs of acting judicial professionals. Proper planning of a training program therefore requires a broad consultation process with judicial professionals, a thorough analysis undertaken from various angles, and an understanding of the broader context in which the training is being developed.⁷

Consistent with these and other EJTN standards on judicial training, the following steps were taken:

⁷ EJTN Handbook on Judicial Training Methodology in Europe, European Judicial Training Network, 2016, p. 13-15

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- At the start of the assignment, the roles and responsibilities for Project implementation were clearly defined – the Judicial Academy will have a leading role during the TNA process, with EJTN Secretariat and EJTN Experts providing support and transferring knowledge. Highest judicial authorities and local partners providing support in this area should be consulted to support judicial training on EU law and create synergies.
- European and national strategies on judicial training and the European Commission findings on the Serbian accession process were reviewed to provide a context for assessment.
- The JA's institutional framework was assessed to identify any strengths and weaknesses of the current TNA process and provide recommendations for its ongoing improvement.
- *Status quo* on EU *acquis* training was analysed from JA records and discussions with local partners supporting judicial training. Materials from previous trainings on EU law were collected to encourage re-use of existing data and adoption of lessons learned.
- Training needs were further assessed through surveys and interviews with focus groups.
- The Project scope, both limitations and opportunities, were considered to maximize use of available resources.

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4. Broader Judicial Framework for Assessment of Training Needs in Serbia

4.1. The judicial reform and EU integration process in Serbia

Serbia is a candidate country to the EU. Serbia submitted its application for EU membership in 2009 and was granted candidate status on 1 March 2012. The EU accession negotiations with Serbia started in 2013, and after ten years, 22 out of 35 chapters have been opened (including all chapters under cluster 1 on the fundamentals of the process and cluster 4 on Green agenda and sustainable connectivity), two of which are provisionally closed.⁸

During the negotiation process each candidate country is assessed on its ability to apply EU legislation, meaning that Serbia has to fully transpose and implement the EU *acquis* by the time of accession. As the sole judicial training institution in Serbia, the Judicial Academy plays a central role in the proper implementation of EU law.

Key findings from the recent European Commission's Enlargement Reports⁹, the Serbian Judicial Development Strategy 2020-2025¹⁰ and the revised Action Plan for Chapter 23 of July 2020 of the Republic of Serbia¹¹ provide a framework for analysis. The following

⁸ Judicial Development Strategy for the period of 2020-2025, "Official Gazette RS" No.30/18, <https://www.pars.rs/images/dokumenta/Poglavlje-23/Judicial-Development-Strategy-for-the-period-of-2020-2025.pdf>

⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "2020 Communication on EU Enlargement Policy", Brussels, 6.10.2020, SWD(2020) 352 final; Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "2022 Communication on EU Enlargement Policy", Brussels, 12.10.2022, SWD(2022) 352 final

¹⁰ Judicial Development Strategy for the period of 2020-2025, "Official Gazette RS" No.30/18, <https://www.pars.rs/images/dokumenta/Poglavlje-23/Judicial-Development-Strategy-for-the-period-of-2020-2025.pdf>

¹¹ Revised Action plan for Chapter 23 judiciary and fundamental rights of July 2020, Republic of Serbia, <https://www.pars.rs/images/dokumenta/Poglavlje-23/Revised-AP23.pdf>

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conclusions and recommendations are of particular interest for training needs assessment and continuous improvement of training provision at the JA.

4.1.1. European Commission's Enlargement Reports

According to the European Commission's Enlargement Report of 2022, Serbia has **some level of preparation** in applying the EU *acquis* and European standards on the rule of law and respect for human rights. Limited progress was made overall in the recent reporting periods, starting from the Project's baseline report of 2020.

The reports continue to stress the importance of continuous advancement of the Academy, through strengthening of its independence and professionalism. In that regard, certain measures are high on the agenda; the resolution of the sole nationwide entry point to the judicial profession in line with the recommendations of the Venice Commission, improvement of the internal expertise, capacity and organization of the Judicial Academy, increased cooperation with the High Judicial Council and State Prosecutorial Council, mandatory participation of judicial office holders in continuous training, strengthening of the mechanism for evaluating necessity and impact of training programs at the Academy, improvement of the initial and continuous training program, also in terms of development of professional skills and training on the rule of law and European standards, and provision of training activities in an online format.¹²

A comprehensive impact analysis of the countries' judicial reforms based on the 2014 World Bank functional review¹³ is still ongoing. Nevertheless, it can be said that certain recommendations regarding judicial training and quality of decision-making remain

¹² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "2020 Communication on EU Enlargement Policy", Brussels, 6.10.2020, SWD(2020) 352 final; Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "2022 Communication on EU Enlargement Policy", Brussels, 12.10.2022, SWD(2022) 352 final

¹³ Serbia Judicial Functional Review, Multi-donor trust fund for justice sector support, World Bank, 2014

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relevant. There is a need to adopt “a systematic training needs assessment”¹⁴ to elevate the capacity of the judicial system, whereby international support can be useful, “particularly in areas such as EU law and best-practice court management”¹⁵. It was also considered highly relevant to ensure that the content and form of training is not dictated by external sources, but rather driven and controlled by the Judicial Academy¹⁶. Certain specific areas of improvement were mentioned, in particular, the need to adopt a common approach to judgment writing.¹⁷

4.1.2. National Strategic Documents and Actions Plans

In July 2020, the Government of Serbia adopted the new 2020-2025 Judicial Development Strategy which specifies the strategic goals of Serbia in line with its determination for full membership in the European Union.

The revised Action Plan for Chapter 23 sets out activities which are of particular relevance for quality of judicial decision-making, professional development of judicial office holders and institutional capacities of the Judicial Academy:

- **Implementation of measures for improvement of the initial training program of the Judicial Academy**, including: 1) the drawing up and adoption of annual curriculum of training that covers all areas of law (including EU law and human rights, ethics and integrity) and skills necessary for work in judiciary, which include practical skills, along with all areas of law, depending on the category of the specific student and in particular usage of ICT system, legal analysis, methodology and method of decision

¹⁴ Serbia Judicial Functional Review, Multi-donor trust fund for justice sector support, World Bank, 2014, p.298

¹⁵ Serbia Judicial Functional Review, Multi-donor trust fund for justice sector support, World Bank, 2014, p. 299

¹⁶ Serbia Judicial Functional Review, Multi-donor trust fund for justice sector support, World Bank, 2014, p. 299

¹⁷ Serbia Judicial Functional Review, Multi-donor trust fund for justice sector support, World Bank, 2014, p. 137

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drafting, and 2) improvement of methods of teaching for the initial training program through workshops, simulations and the introduction of distance learning.¹⁸

- **Implementation of measures for improvement of the continuous training program of the Judicial Academy** such as: 1) inclusion of a wider range of participants, potentially through prescribing the minimum number of training days per holder of judicial office annually, whereby the training must include not only judicial officials but also presidents, secretaries and managers, judicial and prosecutorial assistants, administrative staff and persons engaged in judicial professions; 2) improvement of transparency of elections of trainers; and 3) improvement of methods of teaching through workshops, simulations and the introduction of distance learning;¹⁹
- **Development of a monitoring system concerning quality of initial, continuous and specialised training** that implies two-way evaluation system that would allow the assessment of the results of the training or degree of advancement of knowledge of the participants as well as the assessment of the quality of the program and trainers. The further monitoring and evaluation enhancement shall be achieved through introduction of e-learning system, enabling more precise and complex measurement of different aspects of the education process.²⁰
- **The continuous advancement of the e-Academy.**²¹

¹⁸ Revised Action plan for Chapter 23 judiciary and fundamental rights of July 2020, Republic of Serbia, <https://www.pars.rs/images/dokumenta/Poglavlje-23/Revised-AP23.pdf>, Activity 1.3.1.1.

¹⁹ Revised Action plan for Chapter 23 judiciary and fundamental rights of July 2020, Republic of Serbia, <https://www.pars.rs/images/dokumenta/Poglavlje-23/Revised-AP23.pdf>, Activity 1.3.1.2.

²⁰ Revised Action plan for Chapter 23 judiciary and fundamental rights of July 2020, Republic of Serbia, <https://www.pars.rs/images/dokumenta/Poglavlje-23/Revised-AP23.pdf>, Activity 1.3.1.3

²¹ Revised Action plan for Chapter 23 judiciary and fundamental rights of July 2020, Republic of Serbia, <https://www.pars.rs/images/dokumenta/Poglavlje-23/Revised-AP23.pdf>, Activity 1.3.1.7

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4.2. JA Institutional Framework

Information about the JA's institutional framework - its competences, governance structure and business processes - was collected through desk research, review of laws and regulations, independent studies²² and discussions with the beneficiary. The assessment allowed the Project to align its support with JA's regular activities and provide recommendations for sustainable planning of training on EU law in Serbia.

4.2.1. JA Competences

The Judicial Academy is an independent public institution financed through the state budget, as established by the *Law on the Judicial Academy* adopted in 2009.

JA plays a central role in the initial training of candidate judges and prosecutors, including the organization and implementation of the entrance exam to the initial training program. Initial training graduates are eligible for appointment to the judicial profession once they complete the final examination administered by the Academy.

JA is responsible for continuous training of judges and prosecutors, as well as judicial and prosecutorial associates and assistants, court and prosecution office staff and judicial trainers and mentors in Serbia. It also organizes training for enforcement officers, and public notaries and their associates and assistants, subject to an agreement between the Academy and the Association of Enforcement Officers, that is, the Association of Public Notaries.

Law on the Judicial Academy, and other key pieces of legislation regulating the status and functioning of leading judicial institutions, including the High Judicial Council (HJC) and the State Prosecutorial Council (SPC), are currently undergoing revision, following from the recent constitutional amendments in Serbia.

²² Study on the existing systems of judicial training in the Western Balkans, Regional Cooperation Council, 2017, <https://www.rcc.int/docs/440/study-on-the-existing-systems-of-judicial-training-in-the-wester-balkansrn>

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4.2.2. Governance Structure

The Academy has two main decision-making bodies, the Steering Committee and the Programming Council, and the Director.

4.2.2.1. Steering Committee

The Steering Committee adopts the Statute and other regulations of the Academy.

It regulates the substantive and procedural aspects of the entry exam to the initial training program for future judges and prosecutors, as well as the final exam for the completion of initial training.

The annual training programs (*initial training, continuous training, and specialised trainings for court staff, judicial and prosecutorial associates and assistants, and judicial trainers and mentors*) are adopted once approved by the Steering Committee, mostly subject to final approval by the HJC and SPC.

The Committee also appoints the members of the Programming Council.

It has 9 (nine) members:

1. 4 (four) members appointed by the HJC from the ranks of judges, two of whom are appointed on nomination of the Association of Judges.
2. 2 (two) members appointed by the SPC from the ranks of prosecutors, one of whom is appointed on nomination of the Association of Prosecutors.
3. 3 (members) appointed by the Government, 1 (one) of whom is the State Secretary in the Ministry of Justice responsible for judicial training, and
4. 1 (one) member from among the employees of the Judicial Academy.

Each representative is appointed for a period of 4 (four) years.

Steering Committee meetings are held at least quarterly.

4.2.2.2. Programming Council

The Programming Council has 15 (fifteen) members; well-respected judges and prosecutors, court and prosecutorial staff, participants to the initial training program, and other experts and members of the legal community, appointed by the Steering Committee. At least 5 (five) members of the Council must come from the ranks of judges, 3 (three) from the ranks of public prosecutors, and 1 (one) from the ranks of judicial and prosecutorial associates or participants to the initial training program.

The Programming Council has 6 (six) permanent Commissions whose members are nominated by the Programming Council and appointed by the Steering Committee:

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- 1) the Commission for the initial training entrance exam,
- 2) the Commission for the initial training program and final exam,
- 3) the Commission for the continuous training program,
- 4) the Commission for judicial and prosecutorial associates' and assistants' training,
- 5) the Commission for court and prosecutorial staff training, and
- 6) the Commission for trainers and mentors training.

Ad hoc commissions are established as needed.

The Programming Council determines and submits for Steering Committee's final approval the annual training program and the initial training program exams. To that end, with support from the relevant departments at the Academy, it supervises, evaluates, and improves the training offer (including the methodology for assessment, design, implementation, and evaluation of programs), based on feedback received from participants, trainers, and mentors.

It approves the list of permanent trainers at the Academy, after obtaining consent from the HJC and SPC, and appoints temporary trainers on an as needed basis.

The meetings of the Programming Council and its Commissions are organized at least on a quarterly basis.

4.2.2.3. Director and staff of the Academy

The Academy is led by the Director who is appointed for a 5 (five) year term, with the possibility of re-appointment. The Director, *inter alia*, represents the Academy, coordinates, and organizes its work, and implements the decisions of the Steering Committee and the Programming Council. The Academy has 72 (seventy-two) employees and 4 (four) departments - the initial training department, the continuous training department, the education, improvement, and international cooperation department, and the sector for budget and financial operations.

4.2.3. TNA Process

The training offer is approved by the JA's governing bodies after consultations with a wide group of judicial stakeholders and consideration of relevant national strategic documents.

The process is commonly conducted from October to December for the following year.

4.2.3.1. Survey

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JA prepares a TNA survey which is distributed at the end of the year to all courts and prosecution offices in the country, and separate questionnaires for the HJC, the SPC, independent national agencies in Serbia, including the Ombudsman, and relevant non-governmental organisations (NGOs).

Surveys completed by judges and prosecutors are anonymous. The JA receives a separate list of recommendations from the HJC and SPC and other institutions whose opinion was sought.

4.2.3.2. Focus Groups and meetings with judicial office holders

Once surveys are processed, they are further elaborated in discussions with focus groups and smaller meetings with judicial office holders. While there is no internal act that regulates the process of selection and conduct of the focus groups, a common approach is nevertheless adopted.

The Academy organises semi-structured interviews with representatives of specialised units in the courts and prosecution offices, i.e., presidents of court practice, criminal and civil law units, and managerial staff responsible for coordination of judicial training activities. Regional distribution is maintained by organizing meetings across the four regions of the country which correspond to the jurisdiction of the Appellate Courts (Belgrade, Kragujevac, Novi Sad and Niš), as well as courts and prosecution offices that deal with specific types of disputes, e.g., border courts in Subotica, Valjevo and Novi Pazar. Judicial and prosecutorial associates and trainees at the Academy are also invited to participate in the discussions to assess their specific training needs.

Meetings are held face-to-face or online, depending on the annual budget and expenditures of the Academy.

The aim is to obtain information about day-to-day challenges of judicial professionals that may further elaborate their training needs. Based on a pre-prepared list of questions, participants are asked to specify their preferred training topics, both legal subjects and professional skills, and their opinions on training methodologies and organizational factors, such as venue preferences and composition and skills of trainers.

4.2.3.3. Annual Training Programme

The Annual Training Programme is prepared and approved by the Programming Board and the Steering Committee respectively. At the start of the year, it is distributed to all courts, prosecution offices, the HJC and SPC, and other stakeholders who received the initial survey. It is also made public on the JA website.

4.2.4. Selection of Trainers

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JA maintains a register of qualified judicial trainers, engaged on a permanent and temporary basis.

Permanent trainers who are also sitting judges and prosecutors are seconded to the Judicial Academy for a period of 3 years. Those who do not hold judicial office enter a working contract with JA. There are currently 3 (three) permanent trainers employed and financed by the Academy (retired judges of the Supreme Court of Cassation of Serbia).

The Academy also launches an annual public call for appointment of temporary trainers. The call is sent to all courts and prosecution offices and is therefrom distributed to all judicial office holders. Each applicant is asked to specify their qualifications and preferred topic(s) of interest. The Academy does not limit the number of potential trainers. The decision on appointment is made by the Programming Board, based on proven competence, length of experience and previous evaluations of the trainer, if available.

All trainers, whether permanent or temporary, are certified by the Academy following the successful completion of a training of trainers' (TOT) program,²³ which incorporates training on substantive legal topics and adult learning methodologies.

Once registered and certified, trainers are enlisted for individual training by the relevant departments at the Academy (initial or continuous training departments) based on the relevant topic, equal opportunities, and previous evaluations of the trainer, if available.

Existing trainers at the Academy are not specialized for training on EU law.

²³ Law on the Judicial Academy, Official Gazette RS 104/2009, Art 47

4.2.5. Participation

4.2.5.1. Initial Training Programme

The JA organizes and implements an initial training program for candidate judges and prosecutors, and, to that end, also administers an entrance exam.

The number of trainees is determined by the HJC and SPC annually by the 1 March. Participants are selected after a public call, based on pre-defined criteria for selection.

The program is implemented over a period of 2 (two) years, during which trainees attend theoretical training at the Academy and practical training in courts and prosecution offices under the supervision of a mentor. Their progress is assessed by trainers and mentors based on their participation and work-performance. They are required to pass a final exam before they graduate from the Academy. The Academy has developed a set of tools for measuring and monitoring the quality of initial training program.

Graduates are employed by the Academy until their appointment to judicial office, which can take several years given the current complexities of judicial appointment in Serbia. There are at present two groups of candidates eligible for appointment to judicial office – graduates of the Academy and judicial and prosecutorial assistants (law graduates employed as civil servants in the courts and prosecution offices).

The specialised initial training program teaches professional skills and various legal subjects (e.g., civil, criminal, administrative, misdemeanour, human rights and fundamental freedoms). A large number of trainings on national law include a panel dedicated to the presentation of international treaties and standards, regional conventions, and EU law in the specific topic of training. Trainees are also periodically offered an opportunity to attend specialised EU law training courses, most commonly organised with external support. In 2022, the Judicial Academy implemented a two-day seminar for the trainees of the ninth and tenth generations of the Academy on the topic "*Introduction to EU law, the role of the national judge in the European judicial area, the judiciary and the application of EU law*".

The Academy is working towards establishing a more comprehensive training program on EU law for the initial training program.

4.2.5.2. Continuous Training Programme

The Serbian legal system does not prescribe a minimum number of training days for judicial office holders. Continuous training is compulsory to the extent of specific legal obligations (e.g., *Law on Protection of Whistle-blowers, Law on Prevention of Domestic Violence, Law on Minors*) or by a decision of the HJC or SPC (e.g., *change in specialisation, new laws and regulations, new procedures and policies, unsatisfactory performance*). New

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judges and prosecutors in the Basic Courts and Misdemeanour Courts who did not attend the initial training program at the Academy must also complete a specialised continuous training program.

The JA defines a target group for each training and sends an offer to relevant courts and prosecution offices, who nominate candidates.

All participants to a training receive a certificate/proof of attendance.

JA keeps a record of judges' and prosecutors' attendance to continuous training.

4.2.6. Evaluations

Evaluations are completed by each participant to a training, subject to an annual plan for evaluation and monitoring of training. They are utilised by the JA's staff and the Programming Council to continuously update and improve the training program.

JA does not have a systematic program for long-term evaluations. However, mid-term and long-term evaluations are increasingly being implemented across trainings with support from the education, improvement, and international cooperation department.

4.2.7. Premises and Training Venues

JA headquarters are located in Belgrade. The current premises do not ensure adequate infrastructural preconditions for the work of the Academy, in terms of size, facilities, and other technical and operational standards. Plans to relocate the Academy to its own building equipped with training rooms and facilities for simultaneous translation, distance learning and online learning are underway. At present, it is foreseen that the relocation will be finalized by the end of 2023.

The Academy also has 3 (three) other premises - in Kragujevac, Novi Sad and Niš. Trainings are held in all 4 (four) centres to provide all judicial office holders across the country with opportunities to participate in training within the confines of their regular daily tasks. The regional centres are also equipped with training rooms and some training equipment (e.g., laptops for regular size training groups).

4.2.8. Technical Capacities

The JA uses an internal management system to record its annual training provision and track participants' attendance.

Efforts were recently made to establish an online library, which is available to all beneficiaries of the Academy (*e-Academy*). The platform facilitates self-paced e-learning and provides access to resources from international, European, and other national

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jurisdictions, which are then cross-referenced to national legislation – an important step towards modernization of the JA.

4.2.8.1. E-learning

Currently the JA only offers e-learning courses, developed with support from the COE's HELP Programme. JA is in the final stages of development of a learning management system. Existing courses will be made available on the platform in 2023.

There are no e-learning courses on EU law available on the e-Academy platform.

4.2.8.2. Webinars

While the JA itself has the necessary facilities, equipment and other resources to organize webinars, the technical capacities in the local courts and prosecution offices hinder active participation. In particular, judicial offices are not always equipped with cameras and microphones, which prevents judges and prosecutors to actively engage with the trainer and other participants. This also prevents JA to account for attendance. Given this, the Academy is not able to rely on webinars for proper planning of professional development.

4.2.8.1. Repository of Materials

The JA maintains a repository of materials from previous trainings.

Materials from face-to-face trainings are sometimes uploaded to the JA website for wider distribution. Nevertheless, as is commonly the case, such materials are prepared *for a temporary purpose*, with a view to facilitate lectures and discussion during the training event (power point presentations and lecture notes). Given this, they hold limited value for self-paced learning and those who did not participate in the original activity.

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4.2.9. State of Play on EU Law Training

During missions to Serbia, the Project team met with international organizations and projects supporting the organization of judicial training and capacity building across the judiciary. The consultations aimed to identify target gaps to maximise project resources and promote (re)use of complementary courses and existing materials, all in an effort to contribute to a more cohesive training provision at the JA. Mapping of EU law training together with the JA was also an important step. The process should be continued in the design phase of training development to identify in more detail specific training gaps and opportunities.

4.2.9.1. Existing EU Law Training Programme

The Judicial Academy annually offers several courses on European Union law. In 2022, the following trainings on EU law were implemented²⁴:

- *EU Intellectual Property Design and Trademarks* – 2-day seminar, mini lecture, case studies (Public Prosecutors, Commercial Court Judges)
- *Principles of Administrative Law of the EU* – 2-day seminar, mini-lecture, case studies (Administrative Court Judges)
- *Introduction to EU Law and EU Institutions* – 1-day seminar, mini-lecture, case studies (Commercial Court Judges, Basic Court Judges – civil and criminal divisions, Misdemeanour Court Judges, Administrative Court Judges, Basic Public Prosecutors and Deputy Public Prosecutors, Judicial Associates)
- *EU Environmental Law* – 2-day seminar, mini lecture, case studies and debate (Commercial Court Judges, Basic Court Judges – civil division, Misdemeanour Court Judges, Administrative Court Judges, Deputy Public Prosecutors, Judicial Associates)
- *Judicial cooperation in civil and commercial matters* – 1-day seminar, mini lecture, and case studies (Commercial Court Judges, Basic Court Judges – civil division, High Court Judges – civil division, Appellate Court judges – civil division)

²⁴ JA's Annual Training Program 2022.

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- *EU acquis (EU Regulations, Directives, Decisions)* – 2-day seminar, mini lectures, and case studies (participants to the initial training program)
- *EU law in civil matters* – 2day seminar case studies (Appellate Court Judges - civil division)
- *EU law in civil matters – Training of Trainers* – 2-day seminar, case studies (Appellate Court Judges - civil division)
- *EU judiciary* – 2day seminar, case studies, mini lectures (Appellate Court Judges - criminal division)
- *Violence against Women from the perspective of EU law* – 2-day seminar case studies mini lectures (Public Prosecutors, Appellate Court Judges - criminal division, police officers)
- *Judicial Cooperation in criminal matters (procedural law) in EU* – 1 day seminar mini lectures and case studies (Public Prosecutors, Basic Court Judges - criminal division, Appellate Court Judges - criminal division, Judicial Associates)
- *EU law in criminal matters* – 2-day seminar case studies (Appellate Court Judges - criminal division).
- *EU law in criminal matters - Training of Trainers* – 2-day seminar case studies (Appellate Court Judges - criminal division)
- *EU law in commercial, civil, and criminal matters* – 2-day seminar case studies (Appellate Court Judges - criminal division)

Many national law trainings offered at the Academy also include a panel dedicated to the presentation of international treaties and standards, regional conventions, and EU law in the specific topic of training.

Overall, the annual provision of training on EU law largely depends on external sources of funding and varies from year to year.

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There is a need to adopt a more holistic approach to development of training plans and training content on EU law, for both initial and continuous training. The existing content should be updated first by expanding the framework of the programme to create a more comprehensive roadmap on EU law. Second, by developing substantive materials on EU legislation and case studies on CJEU jurisprudence, with a focus on the interconnection between national and EU law practice *per module*. Improvements can also be made by re-examining the curriculum for the purposes of online self-paced learning. The training program on EU law should be tailored to the needs of specific target groups (criminal law, civil law, administrative law, commercial law, and misdemeanour law) and the initial training programme. Finally, the standardized training program on EU law must be regularly offered, from year to year, and updated as needed.

4.2.9.2. Continuous Donor Support

Other organizations and projects also provide support on EU law training and associated international and European standards.

With support from EUROJUST, the Academy organizes seminars on judicial cooperation in civil and commercial matters, the continuation of which is anticipated in the upcoming period.

Serbian judicial professionals attend courses on human rights, rule of law and democracy with support from the Council of Europe's "*European Programme for Human Rights Education for Legal Professionals (HELP) Project in the Western Balkans*". The Project has successfully trained up to 100 (one hundred) tutors in various specialised topics on human rights, rule of law and democracy predominantly from the perspective of the European Convention on Human Rights and other Conventions of the Council of Europe (e.g., ethics for judges, child friendly justice, judicial reasoning, international cooperation in criminal matters, hate crime). The courses are tailored to the local legal environment, translated into the local language, and made available online in a self-paced learning format. Other Council of Europe projects also provide support, for example, the iProceeds2 initiative, which supports training on cyber-crime and electronic evidence.

With support from the Horizontal Facility for Western Balkans and Turkey 2019-2022, trainings on, inter alia, financial investigation, money laundering, organized crime, international cooperation in civil and criminal matters, and anti-corruption were organized.

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Within this framework, the JA receives ongoing support for training.

The Organization for Security and Cooperation in Europe (OSCE) periodically organizes training within the scope of its mandate; in particular, asset forfeiture, anti-corruption, organized crime and legal writing for judges and prosecutors.

The United States Agency for International Development (USAID) also provides regular support for judicial reform and judicial training in Serbia. A series of trainings on the topic of public procurement will be offered with the Agency's support, within the context of the USAID-funded Public Procurement Activity.

The Project aims to support the JA to exercise its central role in planning and delivery of cohesive training, in line with existing priorities and training needs of sitting and future judges and prosecutors. It will aim to avoid unnecessary duplication of programmes and take account of relevant experience gained during previous initiatives.

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5. Training Need Assessment Methodology and Experts' Findings on EU training needs

5.1. TNA Methodology

The training needs were assessed through survey questions and interviews with focus groups by the JA with support from the Experts.

Use of surveys facilitates a broad consultation process and is the most common method for gathering quantitative data. The process should be inclusive and representative, allowing all judges and prosecutors to express their preferences for training and contribute to the identification of needs.

Focus groups are a useful qualitative method that can provide a range of opinions to complement the quantitative data collected through surveys. It supports the training provider to better assess learning and development needs by focusing on the views and opinions of a cross-section of the judiciary.

5.1.1. Surveys

The Experts first reviewed and evaluated the survey questions from the previous year produced by the Academy. It was observed that they collect demographic data to identify needs of specific target groups, provide respondents with an opportunity to express their training needs, and seek feedback regarding previous trainings and the overall performance of the JA as a service provider.

In 2022, the questions were mostly open-ended. This approach varies from year to year. The TNA process at the JA can benefit from closed-ended questions, based on evaluations and trends observed during the preceding period, especially with a view to analyse the priorities for legal education, training on judicial skills, and preferences for modern training methodologies (case studies, debates, mock-trials, etc.).

A separate survey was distributed to all judicial office holders by the JA with support from the Project to assess the training needs on the EU *acquis*. The survey contains **seven closed-ended questions** designed to assess the quality of previous training on EU law and respondent's preferences for content and method of training on EU law (**Annex I**).

The survey results are elaborated further below.

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5.1.2. Focus Groups

With support from the Judicial Academy, the Experts participated in meetings with 33 (thirty three) members of the Serbian judiciary, representing both judges and prosecutors across the country, including the Administrative Court²⁵, the High Commercial Court²⁶, the High Court in Belgrade²⁷, the First Basic Court in Belgrade²⁸, the Basic Court in Niš²⁹, the Republic Public Prosecutors Office³⁰, the High Public Prosecutors Office in Belgrade³¹, the High Public Prosecutors Office in Novi Sad³², the High Public Prosecutors Office in Niš³³, the High Public Prosecutors Office in Kragujevac³⁴, the First Basic Public Prosecutors Office in Belgrade,³⁵ the First Basic Public Prosecutors Office in Novi Sad³⁶ and the Basic Public Prosecutors Office in Niš³⁷.

²⁵ The Administrative Court of Serbia is located in Belgrade. The meeting was attended by 5 (five) members of the Court, including the President of the Court, the Head of the Office of the President of the Court, and three judges. The meeting was held in-person.

²⁶ The High Commercial Court of Serbia is located in Belgrade. The meeting was attended by 6 (six) judicial office holders, including the President of the High Commercial Court. The meeting was held in-person.

²⁷ The meeting was attended by 5 (five) members of the High Court in Belgrade, including the vice President of the Court, the President of the first-degree civil law department, the President of the second-degree civil law department, the Head of the civil case law department and a representative of the civil law department. The meeting was held in-person.

²⁸ The meeting was attended by 1 (one) judge of the Court. The meeting was held in-person.

²⁹ The meeting was attended by the vice President of the Court, who is also a judge in the criminal law department. The meeting was held online.

³⁰ The Republic Public Prosecutors Office is located in Belgrade. The meeting was attended by the High Advisor for International Cooperation and Projects. The meeting was held in-person.

³¹ The meeting was attended by 4 (four) deputy public prosecutors. The meeting was held in-person.

³² The meeting was attended by 4 (four) deputy public prosecutors. The meeting was held online.

³³ The meeting was attended by 1 (one) deputy public prosecutor. The meeting was held online.

³⁴ The meeting was attended by 1 (one) deputy public prosecutor. The meeting was held online.

³⁵ The meeting was attended by 2 (two) deputy public prosecutors. The meeting was held in-person.

³⁶ The meeting was attended by 1 (one) judge. The meeting was held online.

³⁷ The meeting was attended by 1 (one) deputy public prosecutor. The meeting was held online.

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An additional focus group was organized at the Academy with representatives of the JA's Programming Board, the National Network of Judges and Prosecutors for the Application of Standards of the European Court of Human Rights in the Republic of Serbia (National Network), the Association of Judges of the Republic of Serbia, the High Court in Novi Sad, the High Public Prosecutors Office in Belgrade, permanent trainers at the Academy, as well as the staff of the Academy involved in the preparation of the annual training program.

A separate meeting was held with 6 (six) trainees at the Academy to assess training needs on EU law from the perspective of the initial training program.

Finally, a meeting was held with representatives of the Bar Association of Serbia, to identify challenges observed by parties to the proceedings and the extent to which they can be resolved through judicial training.

Participants were encouraged to express their opinions on training needs (training legal topics and professional skills), methods of training (including online and hybrid forms of training), preferences regarding professional skills of trainers and organizational factors, specifically with reference to EU law training, as explained below.

5.2. TNA Survey Results on EU law training

The questionnaire was filled out by a total of 1000 judicial office holders from 120 courts and public prosecutors' offices of general and special jurisdiction; that is, 690 judges and judicial associates from 75 courts and 310 deputy public prosecutors and associate prosecutors from 45 public prosecutors' offices.

50 participants to the initial training program also contributed to the research.

5.2.1. Respondents' Satisfaction with Previous EU Law Training

The first 2 (two) questions asked respondents to reflect on their previous experience of EU law training. The information received should provide the JA with a baseline for continuing to improve the organization and substance of such training.

- *Number (and content) of EU law trainings attended*

The respondents were first asked to specify how many EU law trainings they attended in the last two years. The following results were recorded per institution:

1. Appellate Courts - 80% no training, 20% 2 trainings.
2. High Courts - 80% no training, 5% 1 training, 10% 2 trainings, 5% 4 trainings.
3. Basic Courts – 88.7% no training, 4.83% 1 training, 6.45% 3 trainings.
4. Administrative Courts – 31,5% no training, 37,5% 1 training, 31% 2 trainings.

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5. Commercial Courts – 80% no training, 20% 1 training.
6. Appellate Misdemeanour Court – 94% no training, 6% 2 trainings.
7. Misdemeanour Courts – 87,5% no training, 12,5% 1 training.
8. Appellate Public Prosecutors' Office – 100% no training.
9. High Public Prosecutors' Office – 87,5% no trainings, 12,5% 1 training.
10. Basic Public Prosecutors' Office – 46,15% no trainings, 23,07% 1 training, 23,07% 2 trainings, 7,6% 5+ trainings.
11. Special Public Prosecutors' Office for Organized Crime – 100% no trainings.
12. Initial Training Participants – 50% 2 trainings, 50% 3 trainings.

Participants were then asked to specify which training they attended. The Academy prepared a closed list of topics based on the existing training offer on European law. Given this, it was possible to record the subjects of training most commonly attended by judicial office holders, whether as a specialized course on European Union law, a course on European laws and standards including the conventions of the Council of Europe, or as part of a larger national course:

1. Appellate Courts – 80% EU legal order, 10% instruments of EU law, 10% EU family law
2. High Courts – 5% EU legal order, 20% instruments of EU law, 20% European democratic standards in the judiciary, 5% EU law in criminal matters, 5% EU law in civil matters, 5% EU family law
3. Basic Courts – 14,3% EU law in civil matters, 28,5% EU family law, 14,3% EU environmental law, 28,5% Council of Europe HELP courses, 14,3% Access to justice
4. Administrative Courts – 16,66% EU legal order, 8,33% European democratic standards in the judiciary, 8,33% EU law in civil matters, 16,66% EU environmental law, 8,33% competition law, 8,33% public procurement, 25% standards of the European courts relevant for Administrative courts, 8,33% organization and jurisdiction of the Administrative courts.
5. Commercial Courts – none specified.
6. Appellate Misdemeanour Courts – 33,33% EU legal order, 16,66% fundamentals of EU law and stabilisation and accession process, 50% EU environmental law.
7. Misdemeanour Courts – 50% European democratic standards, 50% fundamentals of EU law and stabilisation and accession process.
8. Appellate Public Prosecutors' Office -none specified.
9. High Public Prosecutors' Office – 25% EU legal order, 25% instruments of EU law, 25% EU law in criminal matters.
10. Basic Public Prosecutors' Office – 31,34% EU legal order, 15% instruments of EU law, 7,6% fundamentals of EU law and stabilisation and accession process, 38,46% EU law in criminal matters, 7,6% EU environmental law.
11. Special Prosecutors' Office for Organized Crime – none specified.

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12. Initial training participants – 6,25% EU legal order, 6,25% instruments of EU law, 6,25% EU democratic standards in the judiciary, 20% EU law in civil matters, 20% EU law in criminal matters, 6,25% EU family law, 6,25% EU environmental law, 6,25% judicial reasoning and human rights, 6,25% asylum law, 6,25% anti-discrimination law, 6,25% Council of Europe HELP Program.

- Respondent's perception of the quality of the EU-law trainings they attended

The respondents were then asked to assess EU law training quality on a 10-point scale against 9 (nine) quality criteria, i.e., *did the training you attended provide or accomplish the following:*

1. *provide a comprehensive overview of EU laws and standards on the topic of the training.*
2. *focus on increasing knowledge of the CJEU jurisprudence.*
3. *focus on increasing knowledge of the ECHR jurisprudence.*
4. *provide examples of case studies from other relevant national jurisdictions.*
5. *provide comparative legal analysis of one or more jurisdictions.*
6. *provide information on how the Serbian legal system is harmonized with EU law.*
7. *contribute to an understanding of how European Union law can be utilized by Serbian judicial professionals in their daily work.*
8. *provide information about how specific questions of law or problems facing the judiciary can be resolved by applying European standards or best-practices.*
9. *test knowledge at the start and end of the seminar.*

The respondents' perception of previous trainings against the pre-defined quality criteria indicates on average a moderate satisfaction with, and inclusion of such standards in EU law training:

- comprehensive overview of EU law - *6,7 out of 10*
- knowledge of CJEU jurisprudence - *6,5 out of 10*
- knowledge of the ECHR jurisprudence – *5,5 out of 10*
- case studies from other national jurisdictions – *4,6 out of 10*
- comparative legal analysis – *4,3 out of 10*
- EU law and national law harmonization – *5 out of 10*
- EU law relevance to daily work – *5,7 out of 10*
- problem-resolution using EU law – *4,7 out of 10*
- pre- and post- testing – *3,7 out of 10*

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In the future, these or similar questions can be added to the JA evaluation forms for EU law training, and therefrom excluded from the TNA survey.

5.2.2. Respondents' Expectations of Future EU Law Training (Quality Criteria)

Participants were also asked to convey their expectations for future training on EU law, i.e., evaluate the relevance of the proposed set of criteria on a scale of 1-5.

On average, the respondents placed a high value on each criterion:

- overview of EU law – 5 out of 5
- knowledge of CJEU jurisprudence – 5 out of 5
- knowledge of the ECHR jurisprudence – 5 out of 5
- case studies from other national jurisdictions – 5 out of 5
- comparative legal analysis – 4,7 out of 5
- EU law and national law harmonization – 4,9 out of 5
- EU law relevance to daily work – 4,6 out of 5
- problem-resolution using EU law – 4,5 out of 5
- pre- and post- testing – 4 out of 5

These standards, as confirmed by Serbian judges and prosecutors, should be kept in mind when designing EU law training, by both national and external providers.

From the results it is clear that 1) EU law training shouldn't be abstract, but rather focus on court practice - CJEU jurisprudence and cases of other national courts, and 2) address approximation of national laws to EU law. The training must respond to concrete problems and assist judges to interpret national law in conformity with European standards.

Most judges and prosecutors welcome pre- and post- testing during training.

5.2.3. Preferred Training Topics on EU Law

With support from the Project, a list of potential topics on EU law (general and specialised areas of law) was incorporated in the survey.

- List of EU law sub-topics:

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6 (six) general EU law topics and 11 (eleven) specialised topics on EU law were proposed. They were suggested with a view of the strategic priorities expressed in national and European documents and based on the experience of Experts and prior TNA results received by the JA.

Closed-ended questions with pre-populated answer choices are favourable for situations where respondents have limited experience of the topic. They can serve the additional purpose of raising-awareness of international and European legal instruments among Serbian judges and prosecutors.

The list of training topics on EU law should be carefully redacted by the Academy each year. Providing complete, up-to-date, and categorised information on European legal subjects will be a challenge for the Academy. Indeed, the body of European law and the harmonization process is complex, and European norms and court practices are rapidly growing both numerically and in complexity. To that end, it would be beneficial to establish and maintain regular communication with members of regional networks and European institutions, to support the process. Local experts on EU law should also be consulted prior to the distribution of the survey.

- Results:

A high percentage of respondents reported an interest in the 6 (six) general EU law topics, indicating both an interest and a need for additional training on EU law fundamentals:

1. Functioning of the EU – *High Court (100%), Basic Court (16,2%), Administrative Court (100%), Misdemeanour Court (75%), Appellate Public Prosecutors' Office (60%), High Public Prosecutors' Office (50%), Basic Public Prosecutors' Office (61,5%), Special Prosecutors' Office for organized crime (45%), Initial training participants (77,7%)*
2. Fundamental principles of the EU – *Appellate court (20%), High Court (100%), Basic Court (64,51%), Appellate Misdemeanour Court (80%), Misdemeanour Court (75%), Appellate Public Prosecutors' Office (60%), High Public Prosecutors' Office (50%), Basic Public Prosecutors' Office (53,8%), Special Prosecutors' Office for organized crime (45%), Initial training participants (88,8%)*
3. EU enlargement and EU membership and negotiation process – *Basic Court (32,25%), Commercial Court (60%), Appellate Misdemeanour Court (80%), Misdemeanour Court (75%), High Public Prosecutors' Office (50%), Basic Public Prosecutors' Office (53,8%),*
4. Presentation of the EU acquis chapters – *Appellate court (90%), High Court (70%), Basic Court (12,9%), Appellate Misdemeanour Court (100%), Misdemeanour Court (12,5%), High Public Prosecutors' Office (50%), Basic Public Prosecutors' Office (30,7%), Initial training participants (88,8%)*

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5. Harmonization of legislation and the screening process – *Appellate Court (100%), High Court (60%), Basic Court (12,9%), Appellate Misdemeanour Court (100%), Misdemeanour Court (6,25%), Basic Public Prosecutors' Office (30,7%),*
6. Cooperation between national courts and the CJEU – *Appellate Court (100%), High Court (75%), Basic Court (72,58%), Administrative court (100%), Commercial Court (100%), Appellate Misdemeanour Court (60%), Misdemeanour Court (87,5%), Appellate Public Prosecutors' Office (20%), High Public Prosecutors' Office (33,33%), Basic Public Prosecutors' Office (100%), Special Prosecutors' Office for organized crime (82%), Initial training participants (77,7%)*

Based on the results, it can be concluded that Serbian judicial professionals require additional training on EU law fundamentals.

Training on specialised EU legal subjects also garnered approval from specific target groups, as follows:

1. EU *acquis* on the rule of law and fundamental freedoms – *Appellate Court (100%), High Court (100%), Basic Court (12,9%), Appellate Misdemeanour Court (80%), Misdemeanour Courts (6,25%), Appellate Public Prosecutors' Office (60%), Initial training participants (88,8%)*
2. EU *acquis* on justice, freedom and security – *Appellate Court (50%), High Court (30%), Basic Court (12,9%), Administrative Court (80%), Misdemeanour Courts (6,25%), High Public Prosecutors' Office (100%)*
3. EU *acquis* on free movement of goods, workers and capital – *Basic Court (64,5%), Administrative Court (100%), Commercial Court (100%), High Public Prosecutors' Office (33,33%), Initial training participants (77,7%)*
4. Civil and commercial cooperation in the EU – *Appellate Court (60%), High Court (50%), Basic Court (80,64%), Administrative Court (100%), Commercial Court (100%), Initial training participants (77,7%)*
5. Judicial and police cooperation in criminal proceedings – *Appellate Court (40%), High Court (20%), Basic Court (19,36%), Appellate Public Prosecutors' Office (100%), High Public Prosecutors' Office (100%), Basic Public Prosecutors' Office (100%), Special Public Prosecutors' Office for Organized Crime (100%), Initial training participants (77,7%)*
6. EU *acquis* on public procurement – *Appellate Court (10%), Basic Court (12,9%), Administrative Court (94%), Appellate Misdemeanour Court (80%), Misdemeanour Courts (6,25%), Appellate Public Prosecutors' Office (10%), Initial training participants (66,6%)*

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7. EU *acquis* on company law – Basic Court (12,9%), Commercial Court (100%), High Public Prosecutors’ Office (33,33%), Initial training participants (66,6%)
8. EU *acquis* on intellectual property law – Appellate Court (20%), High Court (90%), Basic Court (80,64%), Administrative Court (100%), Initial training participants (66,6%)
9. EU *acquis* on competition law - Basic Court (12,9%), Administrative Court (100%), Commercial Court (100%), Appellate Misdemeanour Court (80%) Initial training participants (66,6%)
10. EU *acquis* on environment and climate change – Appellate Court (15%), High Court (40%), Basic Court (53,22%), Administrative Court (100%), Appellate Misdemeanour Court (80%), Appellate Public Prosecutors’ Office (70%), High Public Prosecutors’ Office (100%), Initial training participants (66,6%)
11. EU *acquis* on consumer and health protection - High Court (10%), Basic Court (64,51%), Administrative Court (100%), Appellate Misdemeanour Court (80%), Appellate Public Prosecutors’ Office (70%), High Public Prosecutors’ Office (33,33%), Initial training participants (66,6%)

5.2.4. Interest in attending a Specialised EU Law Training Program

Participants were then asked if they are interested in attending a specialised training program on EU law, with a high percentage of respondents demonstrating an interest.

77%-100% of respondents demonstrated an interest, with variations depending on their position in the judiciary. ³⁸

There are two main approaches the JA can adopt for EU law training. References to EU law or EU law modules can be added to national law seminars in a specialized area of law.

³⁸ Appellate Courts – 100%, High Courts – 80%, Basic Courts -93,5 %, Administrative Court – 100%, Commercial Court – 100%, Appellate Misdemeanor Court – 100%, Misdemeanor Courts – 87,5% Appellate Public Prosecutors’ Office – 87,5%, High Public Prosecutors’ Office – 100%, Basic Public Prosecutors’ Office – 76,9%, Special Public Prosecutors’ Office for Organized Crime – 100%, Initial training participants – 77,7%

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Alternatively, JA can develop a specialised EU law training program which draws necessary parallels between EU and national laws.

While it is indeed recommended that EU law training should form part of virtually any knowledge-based training, designing a specialised program on EU law (general topics and specialised per target group) can be beneficial in the absence of a long-standing history of implementation of EU law. Creating a specialised program offers an opportunity to engage colleagues from European judicial institutions and EU Member States, especially as trainers. Participants can then be selected also based on their willingness to contribute to ongoing training and consultations on EU law.

The survey results confirm that there is an interest *and a need* for a specialised training approach. Of course, this does not prevent the JA to incorporate relevant modules on EU law in associated national training, which should also be encouraged.

5.2.5. Interest in and preparedness for becoming a Trainer on EU Law

Establishing a core group of trainers who will lead the process of ongoing design and development of EU law training is crucial for strengthening the internal capacities of the Academy.

Not all judges can be experts on EU law. Instead, the state can invest in establishing and supporting a national network of experts on European law (EU law and other European standards), who can provide expertise and assistance to their colleagues, with full respect for judicial independence.³⁹

The survey participants were asked if they are interested in becoming a trainer on EU law, with a large number of senior level judges expressing an interest.

³⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions/Ensuring justice in the EU – a European judicial training strategy for 2021-2024/ Brussels,02.12.2020/COM(2020)713 final

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In particular, 20% of Appellate Court judges, 60% of High Court judges and 67% of Appellate Public Prosecutors expressed an interest in becoming a trainer on EU law.⁴⁰

Prior to the selection of participants to the EJTN-supported training program, the JA should inform itself if the participant is willing and able to contribute to continuous EU law training, i.e., participate in or support the National Network for the application and adherence to European standards, contribute to continuous training needs assessments on EU law at the Academy or act as a trainer during design and implementation of EU law courses.

It is anticipated that with Project support 20 participants will attend each seminar for a total of 100 accreditations. With this in mind, a large number of participants to the EJTN-supported training program should commit to such contribution.

The participants were also asked if they previously attended a **training of trainers (TOT)**. It is recommended that the participants to the program also undergo a training of trainers' seminar(s) offered at the Academy, given the relatively low number of respondents who attended a TOT.⁴¹ Project resources could also be used to facilitate their attendance at EJTN Trainers' Exchanges, and Judicial Training Methods Seminars and Working Groups.

⁴⁰ Appellate Courts – 20%, High Courts – 60%, Basic Courts – 19,35%, Administrative Court – 6%, Commercial Court – 0%, Appellate Misdemeanor Court – 20%, Misdemeanor Courts – 0%, Appellate Public Prosecutors' Office – 66,66%, High Public Prosecutors' Office – 0%, Basic Public Prosecutors' Office – 23,07%, Special Public Prosecutors' Office for Organized Crime – 0%, Initial training participants – 50%

⁴¹ Appellate Court – 0%, High Court – 20%, Basic Court – 12,9%, Administrative Court – 6%, Commercial Court – 0%, Appellate Misdemeanor Court – 0%, Misdemeanor Courts – 0%, Appellate Public Prosecutors' Office – 87,5%, High Public Prosecutors' Office – 0%, Basic Public Prosecutors' Office – 0%, Special Public Prosecutors' Office – 0%, Initial training participants – 0%

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5.2.6. Observations regarding Survey Development and Distribution Process

JA demonstrated noteworthy commitment to survey development and distribution. The entire process was led by JA staff. The process strives to be comprehensive, inclusive, and representative of members of the judicial hierarchy country wide.

However, it should be noted that the survey is not sent directly to each judicial office holder; it is instead distributed via their court or prosecution office. This approach has the potential to encourage individual judges and prosecutors to participate in the assessment with endorsement of the president of the court or chief prosecutor. At the same time, there are also risks that the indirect distribution of the survey can limit participation. In the future, JA should explore the option to distribute e-surveys directly to each member of the judiciary.

JA does not commonly use electronic surveys during the TNA process. The practice of using e-tools for survey distribution and analysis should be considered given the significant time- and resource- savings that can occur as a result of automation.

5.3. TNA Focus Group Results on EU law training

During the focus groups participants were asked:

- *if there is a need for training on EU law, and how EU law training can contribute to quality of decision-making.*
- *which areas of EU law should be covered by training, and on which grounds to prioritise such topics.*
- *which standards should be adopted for EU law trainings (training methodology, trainers' professional skills, etc.).*

The survey questions, as described above, were used to guide the discussion.

5.3.1. Participants' Perception of Training on EU Law

Focus group participants felt that training on EU law can benefit Serbian judges and prosecutors, especially where comparative case studies from countries in the region are used with concrete examples on how to meaningfully cite EU law in their judgments and prosecutorial motions. Participants felt that familiarity with the case law of EU courts can especially support judicial, that is, prosecutorial writing and reasoning.

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Participants stressed that Serbian judicial office holders require more training on both EU law fundamentals and specialised topics. They agreed that the trainings on European standards have mostly focused on the *European Convention on Human Rights (ECHR)* and the associated jurisprudence of the *European Court of Human Rights (ECtHR)*, given that its provisions are directly applicable in Serbia.

One participant mentioned that it's a good strategy to have Appellate Court and High Court judges, and court presidents of lower courts trained on EU law, to raise awareness of the usefulness of such trainings.

5.3.2. Participants' Preferences per Subject Matter

The topics listed in the survey questionnaire (general and specialised) were discussed with participants who overall expressed general interest in the topics.

Participants agreed that any training on the EU *acquis* should support their daily work, i.e., focus on the interface between EU law and national law. To that end, when considering which topics should be prioritised, the participants reflected on the following:

- is the area of law well-harmonized to EU law?
 - how many active cases are judicial holders dealing with? and
 - are there specific problems appearing in practice?
-

Examination of EU law can be useful for developing national solutions even where there is limited or no case law at the national level. However, if the training does not address immediate needs, interest in training is likely to be low.

- Legal Subjects:

Based on the results of the focus group discussion, the following topics merit special attention per target group:

Administrative courts

In the absence of specialisation, judges of administrative courts deal with a broad range of cases and different areas of law, *inter alia*, tax, customs, asylum, migration, environmental protection, competition policy, anti-corruption, public procurement, intellectual property,

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data protection, social welfare, pensions, and property rights. The Administrative Court is also introducing a new generation of judges that could benefit from training on legal topics and professional skills across the board.

The Serbian laws on consumer protection and data protection are modelled on the EU legislation (General Data Protection Regulation and the Consumer Rights Directive), which provides good grounds for training.

Interviewees also noted that a larger number of cases exist in the migration and data protection field, compared to limited or no cases on environmental protection.

Commercial courts

The participants highlighted that Serbia is increasingly attracting foreign capital. Given this, it is expected that the commercial courts will witness an increase in cases with foreign elements, especially in the fields of insolvency, insurance, and banking. Participants highlighted the value of training on insolvency with international or foreign elements, where there is still limited national court practice to rely on.

Civil Law

Participants identified various topics with active cases where EU body of law can complement training on national civil law - defamation and reputational damage, including compensation for damages, freedom of expression, right to privacy and media freedom, divorce proceedings and child protection in mixed marriages, procedural aspects of employment law, including temporary measures, environmental law, intellectual property law, and consumer protection.

A larger number of cases address issues of defamation and are within the competence of the High Court in Belgrade.

The participants also noted that the Serbian Consumer Protection and Whistleblowers Protection laws are well aligned to the EU legal framework, including the recent EU Whistleblowers Protection Directive. There is, however, a limited number of cases dealing with whistleblower protection, as well as mobbing.

Criminal Law

The interviewees who deal with criminal law matters drew attention to the following – forensic investigation, sources and admissibility of evidence, including digital evidence, cyber-crime, money-laundering, including tracking of financial flows and seizure and confiscation of assets, environmental crime, domestic violence, prevention of trafficking in

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human beings and combatting trafficking in human beings, as well as mutual legal assistance and international cooperation in criminal matters.

- Professional Skills:

The need to strengthen judicial writing skills and legal research on EU law was mentioned across the board as a cross-cutting issue.

Strengthening foreign legal language skills was also mentioned by participants.

Deputy public prosecutors additionally stressed the need for training on prosecutorial skills - working with the accused, witnesses and victims, the role of the prosecutor in protecting human rights, coordination of investigations, including on-site investigations, presentation of evidence, advocacy and filing motions. Mock trials were identified as a suitable method for training in this regard.

5.3.3. Participants Preferences for Training Methods and Choice of Trainers

Focus group participants expressed a preference for *practice-oriented and interactive training*, especially *case-studies*.

Despite recognizing the advantages of online learning, participants prefer face-to-face or hybrid training. At the same time, they welcome online access to *preparatory written materials* which can contribute to meaningful discussions during in-person events.

Trainers should have proven expertise in the topic of training and adult learning methodologies. When organizing training on EU law, participants noted that the contribution by foreign and international experts to the work of local trainers was successful, especially where trainers were also familiar with the local language and national legal system, and that regional training events contributed to their professional development.

5.3.4. Observations regarding Focus Group Contribution to EU Law Training

It was observed that discussions in focus groups and individual meetings with judicial office holders could benefit from a deeper exchange on EU Directives and Regulations, as well as CJEU jurisprudence. To this end, JA needs to be able to identify and rely on individuals with knowledge of EU law and the status of the judicial reform process in Serbia to facilitate the discussions.

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At the outset, a good practice is to engage experts or trainers on EU law as interviewers during meetings or (co)facilitators to the focus groups. A distinction between EU law and other international and European standards should be made by the facilitator, that is, the interviewer, to clarify participant's understanding of the various sources of law and potential training (European Union, Council of Europe, etc.). These individuals can also support the adoption of preparatory questions on EU law to narrow the focus of the discussion and assist participants to prioritize their training needs.

The JA could also benefit from a more centralised approach to the organization of focus groups, both based on thematic areas and regional representation, especially following the relocation to new premises. The organization of focus groups in a centralised location, while conditional upon available resources, can contribute to exchange of experiences and interactive discussion on training needs at the country level.

A recommended approach is also to organize a specialised focus group for the thematic area of EU law, human rights law, and European and international legal standards. National experts or trainers on EU law can act as facilitators. Apart from judicial office holders, representatives of NGOs and Bar Associations, and regional and international partners, could be here involved.

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6. EJTN Training Program Proposal

The EJTN Training Program Proposal was designed with a view to support the JA to embed EU law training in its continuous and initial training offer and contribute to a sustainable strategy for future planning of training and coordination of donor support on EU law.

The proposal is based on the analysis of completed questionnaires, interviews with focus groups and meetings with judicial office holders, analysis of strategic objectives and state of play at the JA, including from discussion with counterparts working on judicial training in the region, as described above.

6.1. EJTN Training Program Objectives

The Project-supported program should help the JA to reach the following key objectives: 1) establish a core group of trainers on EU law; 2) maintain quality control during design and implementation of EU law training; and 3) facilitate cross-border cooperation.

6.1.1. Establish a Core Group of Trainers on EU law (Network of Experts)

While the Academy relies on a large pool of highly qualified trainers, trainers at the Academy are not officially certified to conduct training on European Union law.

Judicial trainers specialised in EU law could better support the work of the Judicial Academy during the training needs assessment, design, implementation, and evaluation of training – to clarify and update surveys questions, improve focus group discussions, design and tailor the training curricula, and create meaningful evaluations for EU law training. Such a group could foster the establishment of quality criteria on EU law and ensure that considerations of European and international standards are consciously raised throughout the training life cycle.

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While foreign experts can indeed provide support, local practitioners with knowledge of the Serbian legal system, in an area of specialisation, who are also equipped to understand EU law and skilled in the art of training others and legal research, could exponentially increase JA's capacities and multiply the impact of Project-supported seminars.

Beyond this, certified trainers could also support the already established institutional structures for application of European standards in Serbia, in particular, the "*National network of judges and prosecutors for the application of the standards of the European Court of Human Rights in the Republic of Serbia*" (National Network). In 2018, the National Network was established in a mixed composition of judges and prosecutors to assist with implementation of European standards for human rights protection in Serbia and provide easier access to decisions of the ECtHR, also with a view to harmonize case law in Serbian courts. Given this, trainers on EU law certified by the Judicial Academy and operating within the institutional framework of the National Network could also contribute to a broader set of objectives of the Serbian judiciary – provide information about access to decisions of the European Courts, including the CJEU, contribute to improvements in the harmonization of case law, and *on request* provide advice and assistance on EU law to other judges and prosecutors.

6.1.1.1. Training of Experts on EU law (TOEE) Concept

The EU law training program is dedicated to the training of experts. It consists of five seminars divided by area of law (civil, criminal, administrative, commercial, and human rights and fundamental freedoms) and aims to address specific needs of primary target groups across the judiciary.

Big picture overview

Each training of experts on EU law seminar (TOEE) must first formulate a Roadmap on EU law - a "big picture" overview of the EU *acquis* in the area of specialisation (e.g., criminal law) as a framework for future planning of a comprehensive and robust training program. This portion should preferably occupy one third of the course, with the remaining time being devoted to practical workshops on a specific subtopic (e.g., environmental crime). The overall aim of this portion of the seminar is to encourage ongoing research and expansion of the training program on EU law.

Sub-topics

The seminar will then 'zoom in' on one or more subtopics of the EU *acquis*. The final choice of the sub-topic(s) should be based on the results of this TNA and chosen in discussions with selected national trainers during the design phase of the program.

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Based on the TNA results, the **civil law seminar** might focus on one or more of the following - *defamation and reputational damage, including compensation for damages, freedom of expression, right to privacy and media freedom, divorce proceedings and child protection in mixed marriages, procedural aspects of employment law, including temporary measures, environmental law, intellectual property law and/or consumer protection.*

The **criminal law seminar** might cover one or more of the following - *forensic investigation, sources and admissibility of evidence, including digital evidence, cyber-crime, money-laundering, including tracking of financial flows and seizure and confiscation of assets, environmental crime, domestic violence, combatting trafficking in human beings and/or mutual legal assistance and international cooperation in criminal matters.*

The **administrative law seminar** might cover one or more of the following - *asylum, borders and immigration, protection of the environment, public health and food safety (consumer protection) and/or competition law.*

The **commercial law seminar** might focus on - *annulment of corporate decisions, legal consequences of insolvency, representation of legal entities, and/or competition law.*

Finally, the **seminar on the Charter of Fundamental Rights** might focus on - *justice, victims' rights and judicial cooperation, equality, non-discrimination and racism, asylum, migration and borders or data protection, privacy, and/or new technologies.*

When prioritizing topics, trainers should examine which specific problems judges' and prosecutors' face in their active cases and the interface between EU and Serbian legal system.

Workshops

Discussions on sub-topics should be framed in three connected workshops - case study-, judicial writing- and legal research- workshops. Each one will heavily focus on raising awareness of the importance of the *Court of Justice of the European Union (CJEU)*'s jurisprudence. At the end of the TOEE, participants should be able to find the relevant case law of the CJEU on their own, they should know the key judgments of the CJEU and the European legal framework on the subtopic, as well as to what extent internal law is already harmonized with the EU *acquis*.

In workshops on judicial writing, they might be asked to utilize and draw inspiration from CJEU cases when making arguments for factual and legal conclusions. They should understand how to read a case, which are the relevant parts to use, and how to apply CJEU jurisprudence at the national level.

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In case study workshops, they will work in small interactive groups to resolve pending challenges in case processing and legal reasoning with reference to CJEU jurisprudence and European best-practices.

A session will be devoted to finding sources of EU law and identification of key descriptors for ongoing legal research in the area of specialisation (CURIA legal database).

6.1.1.2. TOEE Participant Selection

With a large number of survey respondents answering yes to becoming a trainer on EU law, it is indeed feasible to increase both the size and capacities of the group of trainers at the JA.

During the participant selection process, candidates should be asked to express a commitment to contribute to training and legal research that will enhance knowledge and skills of their colleagues to adhere to European rule of law standards and apply the EU *acquis*.

The call for applications should target *senior* judges and prosecutors, legal practitioners, academics, existing trainers at the Academy and members of the National Network, as well as JA staff.

This program should additionally serve to support the National Network, strengthen its capacities, resources and, over time, facilitate the establishment of procedures and guidelines for its continued advancement.

6.1.2. Establish a Quality Control Mechanism for Design and Implementation of EU law training.

Each of the five seminars should follow a common approach and adhere to the same quality standards for EU law training.

6.1.2.1. Approach to seminar design

Firstly, the training should balance out the need to establish a basic level of understanding of EU law and keep the training interactive – cover both EU law fundamentals and an in-depth discussion on case law. The former is needed to give direction for future development of EU law courses at the JA and provide context for active participation during workshops, while the later ensures that the training addresses immediate training needs and provides valuable resources and practical examples for resolution of daily tasks of

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judges and prosecutors. This approach also aims to ensure that judicial training is not limited to legal education but leads to development of professional skills and values.

The quality criteria presented during this training needs assessment can further guide the process of training design and implementation.

Training on EU law should strive to:

- Improve participants knowledge of CJEU jurisprudence.*
- Provide case studies with examples from other national jurisdictions.*
- Contain information about how the Serbian legal system is harmonized with EU law.*
- Provide a comprehensive overview of EU laws and standards on the topic.*
- Provide comparative legal analysis of one or more jurisdictions.*
- Contribute to an understanding of the importance of European Union law for participant's daily work.*
- Provide information about how specific questions of law or problems facing the judiciary can be resolved by applying European standards or best-practices.*
- Test knowledge at the start and end of the seminar.*

6.1.2.2. Quality of Written Materials

The elaboration of training materials should lead to the development of quality written content which can be (re)used and made available for wider distribution by the JA. All written materials, even those created for face-to-face training activities, can contribute to future development of e-courses if they are **well-documented** and **made compatible with self-paced online learning**.

To that end, certain key features of online content delivery should be highlighted. During development of **MOOCs (massive open online courses)**, content creators commonly 1) divide content into logically defined sections or modules, which contain both lecture style

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material designed to transfer new concepts or “know how” to the learner and exercises designed to encourage “learning by doing”, 2) include a range of media, to keep learners engaged with the content while learning in isolation, 3) facilitate and enable the use of modern techniques for learning, such as branched scenarios⁴², which make learning unexpected and engaging, and 4) enable participants to evaluate their progress, most commonly through multiple-choice pre- and post- module testing. The most important feature of a MOOC is that learners should be able to work through the course material at their own pace, without supervision and often with support from a community of learners.

Training providers and trainers should be encouraged to keep these concepts in mind when they develop content for face-to-face seminars. While it is unrealistic to presume that each in-person seminar should lead to the development of a self-standing online course without additional resources, the awareness and consideration of these methods during the design phase can in the aggregate facilitate future preparation of e-courses.

6.1.3. Encourage Cross-border Judicial Cooperation within the Scope of the Project

It is necessary to examine how the resources of the Project can be maximized to create the greatest impact.

Aside from providing targeted support to the JA, the Project also works with the Centre for Training in Judiciary and State Prosecution in Montenegro (CTJSP). It is foreseen that each institution will design and implement **5 (five) in-person seminars on EU law, with 20 participants each**, for a total of 100 accreditations per country. Each in-person seminar will be implemented over **1½ days**. Seminars should be designed jointly by local trainers appointed by the judicial training institutions (JA and CTJSP) and EJTN experts appointed by the Project. They are to be implemented locally, in the locally language with simultaneous interpretation provided by the Project. It is also foreseen that each national

⁴² Branched scenarios use real-life examples to display content and test knowledge of learners by challenging them to make a decision - new situations and choices are then presented based on the preceding decision made by the learner. Branched scenarios teach learners about the immediate consequences of their decisions and reactions.

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training institution will receive support for the development of 1 (one) online course. The content and method for the design and implementation of the online course are discussed further below.

It is strongly recommended that the Project explore opportunities for the inclusion and exchange of participants and trainers from Serbia to the seminars organized at the Centre for Training in the Judiciary and State Prosecution in Montenegro, and vice versa. These study visits can facilitate exchange of experiences with colleagues facing similar challenges on their path to EU integration.

Facilitating cross-border cooperation of judicial training institutions through exchange of professional experiences, practices and lessons learned during the EU integration process also contributes to the realisation of the strategic objectives outlined in the *European Judicial Training Strategy 2021-2024*.

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6.2. EJTN Training Program Structure

The following trainings are included in the Training Programme:

1. Training of Experts on EU law (TOEE) – Criminal Law Workshop
 2. Training of Experts on EU law (TOEE) – Civil Law Workshop
 3. Training of Experts on EU law (TOEE) – Administrative Law Workshop
 4. Training of Experts on EU law (TOEE) – Commercial Law Workshop
 5. Training of Experts on EU law (TOEE) – EU Charter of Fundamental Rights Workshop
-
6. Roadmap on EU law e-Course
-

The five in-person courses will assist the JA to build a knowledge base and human resource capacities for EU law training in the years to come. The overall objective of the seminars is to enhance the participants' knowledge and competences to independently design and implement a curriculum on EU law - understand the big-picture and sub-topics in the specific area of EU law, conduct legal research, design interactive workshops and act as a trainer. The participants will then be able to encourage professional development of their peers and support the JA in its ongoing work.

The e-Course "Roadmap on EU law" will consolidate information from JA's existing EU law training programme and the TOEE curriculum. The course should raise the basic knowledge of Serbian judges and prosecutors on EU law. It should be made suitable for both continuous and initial training, as a preparatory resource for the organization of practical face-to-face seminars.

The detailed course outlines can be found in **Annex II**.

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7. Recommendations and Conclusions

7.1. Continuous improvement of the training needs assessment on EU law at the JA

Any TNA process should provide feedback for its continuous improvement. For this purpose, the following main observations and recommendations were elaborated.

7.1.1. Surveys

- It is recommended that closed-ended questions on EU *acquis* subtopics be added to the JA's annual survey. With support from the national network of experts on EU law and European partners, the list can be reviewed and redacted on an annual basis. These efforts should assist the JA to develop capacity to conduct assessment on training needs in connection with meeting rule of law standards and implementing the EU *acquis*.
- JA might benefit from using more closed-ended survey question(s) when assessing training needs on judicial and professional skills. The list might be updated to include legal writing *with reference to European and international sources*, legal research on EU law, foreign legal language skills, advocacy and presentation of evidence for public prosecutors, and other skills identified during the TNA processes from previous years.
- JA should explore the option to distribute e-surveys directly to each member of the judiciary, to avoid any risks of indirect distribution, all with a view to involve more judges and prosecutors in the TNA process. Considering time- and resource- savings of automation, the practice of using e-tools for survey distribution and analysis can also be beneficial for reallocation of human resources at the Academy.

7.1.2. Focus Groups

- JA could benefit from organizing more focus groups with mixed composition of judicial professionals during the TNA process. The existing process of selection and conduct of the focus groups, including decisions on size, composition, and thematic areas per group, could be regulated by an internal act of the Academy. Criteria for selection of individual participants, including their professional qualifications and regional and gender representation, should be specified. The organization of focus groups in a centralised location, while conditional upon available resources, can contribute to exchange of experiences and interactive discussion on training needs at the country level.
- During the training needs on the EU *acquis*, JA might engage trainers or experts on EU law as interviewers or (co)facilitators to focus groups. A separate focus group for the

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thematic area of EU law, human rights law, and European and international legal standards could be organized by the Academy on an annual basis. Apart from judicial office holders, representatives of NGOs and Bar Associations could be here involved. Foreign or local experts with knowledge of EU law and the status of the judicial reform process in Serbia might also be invited to participate - adopt new, more specific questions for EU law training, which bring the area of law closer to participants, and allow them to prioritize training needs.

7.1.3. Evaluations

- Evaluations are an important resource for succeeding TNAs. JA is encouraged to add to their evaluation forms questions which were used during this TNA or similar questions to assess the quality of training on EU law.

7.2. Managing the Design and Implementation Phase of Training on EU law

The training on EU law should adhere to good practices for design and implementation of training. At the same time, specific standards for EU law training should be set and monitored. The following recommendations are relevant for the design and implementation phase:

7.2.1. Design

- The approach to seminar design must aim to ensure that judicial training is not limited to legal education but leads to development of professional skills and values. The development of legal research and legal writing workshops *with a specific focus on EU law* should help the JA to implement trainings which transmit professional techniques and values complementary to legal education.
- It is recommended that seminar materials be designed to contribute to future development of e-courses. They should be well-documented and compatible with self-paced online learning, especially with a view to support the continued advancement of the e-Academy platform.
- Trainers on EU law should adhere to quality standards for EU law training. Training shouldn't be abstract, but rather focus on court practice of the CJEU and other national courts, and address approximation of national laws to EU law. The training should respond to concrete problems and assist judges to interpret national law in conformity with European standards. Thoughtful collection of information on the CJEU jurisprudence has the dual benefit of supporting the development of the cross-reference system (e-Academy).

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7.2.2. Implementation

- During Project implementation, special attention should be paid when launching a call for applications for the TOEE to select participants willing and able to participate in the ongoing training on European standards. The call for applications should target senior judges, prosecutors, legal practitioners, academics, existing trainers at the Academy and members of the “*National network of judges and prosecutors for the application of the standards of the European Court of Human Rights in the Republic of Serbia*” (National Network), as well as JA staff.
- During implementation of EU law training (and selection of participants), regional exchange is strongly recommended. The Project can explore opportunities for the inclusion and exchange of participants and trainers from Serbia to the seminars organized at the Centre for Training in Judiciary and State Prosecution in Montenegro, and *vice versa*.
- Court presidents and chief prosecutors, *who provide approval and nominate participants*, need to be properly informed about the importance of EU law training, and encourage judges at all levels of the hierarchy, including senior judges to attend the training. Organization of training must be done in advance to give judges and prosecutors an opportunity to fit the training into their busy schedules.

7.3. Strengthening JA’s Governance Role

The managing role of the JA is a cornerstone for the successful and sustainable provision of training on EU law. The following recommendations aim to address JA’s management responsibilities.

7.3.1. Developing a knowledge base and human resources for EU law training

- The JA should continue to improve its specialized program on EU law for continuous and initial training and establish a core group of trainers who can discern priorities for courses on EU law and lead the process of ongoing design and development. Training experts on EU law can also support the work of the “*National network of judges and prosecutors for the application of the standards of the European Court of Human Rights in the Republic of Serbia*”.
- JA might benefit from engaging external partners to support its capacities for EU law training during planning, design, implementation, and evaluation, with a view to develop a knowledge base on EU law and a capacity to track trends and developments at the EU level.

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- Judicial professionals from Serbia should be encouraged to participate in cross-border judicial training at EJTN and other European institutions, especially those who are willing and able to contribute to institutional capacity building at the JA (“multipliers”). Judicial professionals chosen to attend EJTN-events via the Project should ideally contribute to the development of EU law training at the Academy.

7.3.2. Quality Management

- To ensure sustainability and cohesive provision of training, JA must establish a quality control mechanism and monitor for implementation of quality standards for EU law training. For example, courses shouldn’t be abstract, but rather create a visible link between national case law and the Court of Justice of the European Union (CJEU) jurisprudence and provide judges and prosecutors with valuable tools for their daily work. These and other quality criteria (also as described further in this Report) must be set and monitored by the JA.
- JA’s role in quality management can strengthen its capacities to coordinate donor-supported activities; avoid inconsistent, *ad hoc* training provision and variations in quality, irrespective of the sources of funding.

7.3.3. Raising Awareness

- Considering judges’ and prosecutors’ relative unfamiliarity with implementation of EU law, JA must also play a role in raising awareness of the importance of European rule of law standards, EU *acquis* and jurisprudence of the CJEU. Working closely with other national judicial institutions and the presidents of courts, can lead to new opportunities to promote the value of EU law - at national judicial conferences, meetings in individual courts and prosecution offices, and via other regular channels of communication across the judiciary. In particular, annual judicial conferences present an opportunity to reach a broad target audience of judges and prosecutors.

7.3.4. Coordination with other Judicial Institutions in Serbia and External Partners

- Planned coordination among all key judicial institutions in Serbia (the Ministry of Justice, the High Judicial Council, the State Prosecutorial Council, and the Judicial Academy), including those responsible for monitoring of the European integration process in the field of justice, can improve the quality of the analysis of training gaps on EU law. JA must have accurate and timely information to plan for training in parallel with the adoption of new legislation and strategic objectives of the judiciary.
- The TNA results should be presented at the next JA Programming Council meeting to contribute to ongoing support at the highest levels of the judiciary. The entire training

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program must be integrated in the regular training offer at the JA to avoid discontinuation after Project closure.

- The Councils and the Ministry of Justice must also contribute to raising awareness of the benefits of systematic training on EU law among the nationwide network of judges and prosecutors.
- *“In accordance with the principles of judicial independence, design, content and delivery of judicial training are exclusively for national institutions responsible for judicial training to determine”.*⁴³ This is one of the core nine principles of EJTN. JA should always take the lead during the TNA process; it is well equipped to understand the real needs of the judiciary, it plays a central role as a coordinator of external support, and the process of “learning by doing” is the best approach to transfer knowledge of best practices by external partners.

⁴³ Judicial Training Principles, European Judicial Training Network, 2016 , principle 5

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8. Annex I - TNA Survey

Training Needs Assessment in the field of European Union law

The Judicial Academy, in cooperation with the European Judicial Training Network, participates in the implementation of the "Western Balkans II" project.

In order to improve the quality of future trainings and improve the curriculum in the field of European Union law, an additional standardized questionnaire was created.

It consists of closed type questions. It is anonymous and takes no more than 20 minutes to complete.

Please read the questions carefully.

Thank you for your time and contribution to the research!!

General information:

1. Gender:

- A. Male
- B. Female
- C. Prefer not to answer

2. Please circle the Appellate Court which has territorial jurisdiction for the territory of the court or prosecution office where you are currently employed.

- A. Belgrade
- B. Novi Sad
- C. Kragujevac
- D. Ниш

3. How many years of professional experience do you have:

- A. up to 3 years
- B. 3 to 10 years
- C. 11 to 20 years
- D. over 20 years

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4. Please circle the job function you are currently in:

- A. Appellate Court Judge
- B. High Court Judge
- C. Basic Court Judge
- D. Appellate Misdemeanour Court
- E. Misdemeanour Court
- F. Commercial Court
- G. Administrative Court
- H. Deputy Appellate Public Prosecutor
- I. Deputy High Public Prosecutor
- J. Deputy Basic Public Prosecutor
- K. Other _____

TRAINING CONTENT

1. In the previous two years, I attended trainings where European standards / EU law / practice of the European Court of Human Rights / practice of the Court of Justice of the European Union in a specific area were presented as one of the topics:

- I didn't attend
- 1 training
- 2 trainings
- 3 trainings
- 4 trainings
- 5+ trainings

Please circle all the trainings you attended:

1. European Union legal order
2. European - democratic standards in the judiciary
3. Instruments of the European Union
4. Training of judges on the basics of EU law and preparation for the implementation of the Stabilization and Association Agreement
5. European Union law in civil matters
6. European Union law in criminal matters
7. European Union law in commercial matters
8. European Union family law
9. European Contract Law

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10. European Union Environmental Law

11. Other _____

2. Training on EU law which I attended contained the following:

(Please provide your opinion on a scale of 1 to 10, 10 – it was entirely covered by the training, or extremely satisfied, 1 – not included in the training or extremely unsatisfied)

1. Training contained a comprehensive overview of EU laws and standards on the topic of the training (Regulations, Directives and other decisions at the EU level).	1	2	3	4	5	6	7	8	9	10
2. Training focused on strengthening my knowledge of the CJEU jurisprudence related to the topic of the training.	1	2	3	4	5	6	7	8	9	10
3. Training focused on strengthening my knowledge of the ECHR jurisprudence related to the topic of the training.	1	2	3	4	5	6	7	8	9	10
4. Training provided useful examples of cases/studies on application of EU law.	1	2	3	4	5	6	7	8	9	10
5. Training provided useful comparative legal analysis of one or more jurisdictions relevant to the topic of the training.	1	2	3	4	5	6	7	8	9	10
6. Training improved my understanding of how/in which way the Serbian legal system has been harmonized with the EU law.	1	2	3	4	5	6	7	8	9	10
7. Training improved my understanding of the importance of understanding EU law for my daily work.	1	2	3	4	5	6	7	8	9	10
8. Training improved my understanding of how specific questions of law or problems facing the judiciary can be resolved by applying European standards or best-practices.	1	2	3	4	5	6	7	8	9	10
9. The training tested my knowledge of EU law relevant to the topic (at the start and end of the seminar).	1	2	3	4	5	6	7	8	9	10

3. Specify your expectations of EU law training:

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Please provide a rating for your expectation on a scale of 1 to 5 (5 – agree entirely, 4 - agree; 3 – neither agree or disagree; 2 - disagree, 1 –entirely disagree):

1. Training contained a comprehensive overview of EU laws and standards on the topic of the training (Regulations, Directives and other decisions at the EU level).	1	2	3	4	5
2. Training focused on strengthening my knowledge of the CJEU jurisprudence related to the topic of the training.	1	2	3	4	5
3. Training focused on strengthening my knowledge of the ECHR jurisprudence related to the topic of the training.					
4. Training provided useful examples of cases/studies for application of EU law.	1	2	3	4	5
5. Training provided useful comparative legal analysis of one or more jurisdictions relevant to the topic of the training.	1	2	3	4	5
6. Training improved my understanding of how/in which way the Serbian legal system has been harmonized with the EU law.	1	2	3	4	5
7. Training improved my understanding of the importance of understanding EU law for my daily work.	1	2	3	4	5
8. Training improved my understanding of how specific questions of law or problems facing the judiciary can be resolved by applying European standards or best-practices.	1	2	3	4	5
9. The training tested my knowledge of EU law relevant to the topic (at the start and end of the seminar).	1	2	3	4	5
10. Other suggestions – training on EU law should contain:	1	2	3	4	5

4. Are you interested in attending a training on the following EU law topics?

1. Functioning of the EU (historic overview; institutional and legal framework)	Yes	No	Unsure
2. EU Law – fundamental principles (primacy, direct effect); primary law; secondary law.	Yes	No	Unsure
3. EU enlargement and EU Membership Negotiation Process (history; process of legal approximation and accession)	Yes	No	Unsure

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negotiations; role of national authorities in the process of accession);			
4. EU <i>acquis</i> (general presentation of chapters of the EU <i>acquis</i>)	Yes	No	Unsure
5. Harmonization of legislation and screening process – overview; national priorities; current status	Yes	No	Unsure
6. EU <i>acquis</i> on the Rule of Law and Fundamental Rights	Yes	No	Unsure
7. EU <i>acquis</i> on Justice, Freedom and Security	Yes	No	Unsure
8 EU <i>acquis</i> on Free Movement of Goods, Free Movement of Workers and Free Movement of Capital	Yes	No	Unsure
9 National courts and CJEU cooperation	Yes	No	Unsure
10. Civil and commercial court cooperation in the European Union	Yes	No	Unsure
11. Judicial and police cooperation in criminal proceedings	Yes	No	Unsure
12. EU <i>acquis</i> on Public Procurement (public procurement proceedings, reasons for annulment of decisions)	Yes	No	Unsure
13. EU <i>acquis</i> on Company Law (Annulment of decisions adopted by bodies of business entities, legal consequences of declaration of insolvency, representation of business entities in proceedings – procurators, compliance of national legislation with the EU <i>acquis</i>)	Yes	No	Unsure
14. Intellectual property law (Introduction to the EU <i>acquis</i> , Directives related to industrial property)	Yes	No	Unsure
15. Competition policy (Competition Law Directives, State Aid)	Yes	No	Unsure
16. Environment and climate change (Various aspects of Environmental Protection Law)	Yes	No	Unsure
17. Consumer and health protection (Collective consumer protection, Unfair trading practice (UTP))	Yes	No	Unsure
Other (please provide your suggestions...)			

5. Are you interested to undergo a specialized training program on EU Law?

- Yes
 No
 Unsure

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6. Did you attend a Training of Trainers (TOT) in the past?

- Yes – if yes, please specify who organized the training _____.
- No

7. Are you interested to become a trainer on EU Law?

- Yes
- No

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9. Annex II - Course Outlines

EU LAW TRAINING PROGRAM PROPOSAL

Judicial Academy of Serbia

The following proposal considers the results of the training needs assessment conducted in 2022-2023 and aims to assist the Judicial Academy of Serbia to develop a comprehensive initial and continuous judicial training program on the EU *acquis*. The scope and content of the program will be further defined during the next phase of Project implementation with support from EJTN Experts.

Key objectives:

- Support Judicial Academy to continue to develop EU law training:
 - Target Group: Judicial Academy trainers and staff, members of the National network of judges and prosecutors for the application of standards of the ECtHR in the Republic of Serbia, and those who answered *yes* to becoming a trainer on EU law during the TNA (*Appellate Courts (20%), High Courts (60%), Basic Courts (80%), Administrative Court (6%), Appellate Misdemeanor Court (20%) Appellate Public Prosecutors Office (66%), Basic Public Prosecutors Offices (23%)*).
 - Develop individual's knowledge and skills needed to design and implement curricula on EU law.
 - Each seminar outlines a Roadmap on EU Law (key legislation and landmark decisions in the specialized area of law, tailored to the immediate needs of Serbian judges and prosecutors) and develops skills to 1) conduct legal research and find sources of EU law, 2) create workshops on judicial writing, and 3) use other training methodologies (develop case studies on EU law, etc.).
- Focus on practical training – case studies.
- Focus on systemic challenges – judicial writing, legal research on EU law.
- Training addresses immediate needs – pending cases that can be resolved by turning to EU law (e.g., defamation claims in the Basic Courts with reference to the Charter of Fundamental Rights of the European Union).
- Training addresses immediate needs – the area of law is well harmonized to EU law.

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**“TRAINING of EXPERTS ON EU LAW”
Training Program**

**Seminar 1
TOE on EU Criminal Law
Section 9 of the online course**

Participants to this event will receive course materials on EU Criminal Law fundamentals in advance and will devote their time in-training to the discussion of practical cases on selected issues in this field.

1. Roadmap on the Criminal Law EU *acquis* - key legislation and landmark decisions in the criminal law field, which may include the following: common minimum standards for criminal proceedings, evidence in criminal proceedings, fight against corruption, cybercrime, fraud and money laundering, protection of victims.

References might be made to the following legal instruments:

-Interpretation and Translation in Criminal Proceedings Directive, Right to Information in Criminal Proceedings Directive, Right to Access to a Lawyer Directive, Presumption of Innocence and the Right to Present in a Trial Directive, Procedural Safeguards for Children who are Suspects or Accused Directive.

-Freezing and Confiscation of Instrumentalities and Proceeds of Crime Directive, Market Abuse Directive, Protection of the Euro and other currencies against Counterfeiting Directive, Fight against Fraud to the Union’s Financial Interests Directive, Prevention of Money Laundering and Terrorist Financing Directive, and Combatting Fraud and Counterfeiting of Non-Cash Means of Payment Directive.

-Protection of Victims including Prevention and Combatting of Trafficking in Human Beings Directive, Combating Sexual Abuse and Sexual Exploitation of Children, Child Prostitution and Child Pornography Directive and Minimum Standards for Protection of Victims Directive.

-Cooperation for Evidentiary Purposes including eu-LISA Regulation, Schengen Information System Regulation, ECRIS-TCN Regulation, Interoperability of IT systems in police and judicial cooperation, Asylum and Migration Regulation, EUROJUST and EPPO.

Special attention should be given to one or more of the following sub-topics given the results of the 2022 TNA process in Serbia: *forensic investigation, sources and admissibility*

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of evidence, including digital evidence, cyber-crime, money-laundering, including tracking of financial flows and seizure and confiscation of assets, environmental crime, as well as mutual legal assistance and international cooperation in criminal matters.

2. Case studies workshop - how to prepare a case study workshop specifically for EU law training (one or more of the above-mentioned sub-topics)
3. Judicial Writing Workshop - how to prepare a judicial writing workshop specifically for EU law training (one or more of the above-mentioned sub-topics)
4. EU Legal Research Workshop - How to access and use EU legal instruments and CJEU jurisprudence (one or more of the above-mentioned sub-topics)

Seminar 2
TOE on EU Civil Law
Section 10 of the online course

Participants to this event will receive course materials on EU Civil Law fundamentals in advance and will devote their time in-training to the discussion of practical cases on selected issues in this field.

1. Roadmap on the Civil Law EU *acquis* - key legislation and landmark decisions in the civil law field, which may include the following: civil procedure and/or family law, inheritance law, employment law, contract law and tort law.

References might be made to the following legal instruments:

- Brussels I Regulation and Brussels I recast, European procedures in civil matters (EEO, EOP, ESCP, EAPO), Rome I Regulation for contractual obligations and Rome II Regulation for Tort and Delict, Parental responsibility and divorce (Brussels IIa Regulation and Rome III Regulation), Brussels I Regulation and Hague 2007 Maintenance Convention, Succession and the European Certificate of Succession, Service of Documents Regulation, Taking of Evidence Regulation, Legal Aid Directive, European Mediation Directive and Execution of Judgments including EAPO.

Special attention should be given to one or more of the following sub-topics given the results of the 2022 TNA process in Serbia: *divorce in mixed marriages and parental responsibility from the perspective of EU law, workers' protection, including protection against mobbing and whistleblowers protection, defamation claims and compensatory damages.*

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2. Case studies workshop - how to prepare a case study workshop specifically for EU law training (one or more of the above-mentioned sub-topics)
3. Judicial Writing Workshop - how to prepare a judicial writing workshop specifically for EU law training (one or more of the above-mentioned sub-topics)
4. EU Legal Research Workshop - How to access and use EU legal instruments and CJEU jurisprudence (one or more of the above-mentioned sub-topics)

Seminar 3
TOE on EU Administrative Law
Section 11 of the online course

Participants to this event will receive course materials on EU Administrative Law fundamentals in advance and will devote their time in-training to the discussion of practical cases on selected issues in this field.

1. Roadmap on the Administrative Law EU *acquis* – key legislation and landmark decisions on one or more of the following topics - Asylum, borders and immigration, Energy, Environment, Public health and food safety (Consumer Protection), Transport, Public procurement, Tax Law and Competition Law.

Special attention should be given to one or more of the following sub-topics given the results of the 2022 TNA process in Serbia: *intellectual property law, environmental protection, competition policy and consumer protection.*

2. Case studies workshop - how to prepare a case study workshop specifically for EU law training (one or more of the above-mentioned sub-topics)
3. Judicial Writing Workshop - how to prepare a judicial writing workshop specifically for EU law training (one or more of the above-mentioned sub-topics)
4. EU Legal Research Workshop - How to access and use EU legal instruments and CJEU jurisprudence (one or more of the above-mentioned sub-topics)

Seminar 4
TOE on EU Commercial Law
Section 12 of the online course

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Participants to this event will receive course materials on EU Commercial Law fundamentals in advance and will devote their time in-training to the discussion of practical cases on selected issues in this field.

1. Roadmap on Commercial Law EU *acquis* – key legislation and landmark decisions on procedural law, annulment of corporate decisions, legal consequences of insolvency, representation of legal entities and competition law.

References might be made to the following legal instruments:

-Brussels I Regulation and the BrusselsI recast, European procedures in criminal matters (EEO, EOP, ESCP, EAPO), RomeI Regulation for contractual obligations and RomeII Regulation for Tort and Delict, Service of Documents Regulation, Taking of Evidence Regulation, Legal Aid Directive, European Mediation Directive, and Execution of Judgments (EAPO).

-European Insolvency Regulation

-European Competition Law

Special attention might be given to the following sub-topics given the results of the 2022 TNA process in Serbia: *competition policy, insolvency and international cooperation in commercial matters.*

2. Case studies workshop - how to prepare a case study workshop specifically for EU law training (one or more of the above-mentioned sub-topics)

3. Judicial Writing Workshop - how to prepare a judicial writing workshop specifically for EU law training (one or more of the above-mentioned sub-topics)

4. EU Legal Research Workshop - How to access and use EU legal instruments and CJEU jurisprudence (one or more of the above-mentioned sub-topics)

Seminar 5
TOE Workshop on the EU Charter of Fundamental Rights (CFR)
Section 6 of the online course

Participants to this event will receive course materials on the CFR in advance and will devote their time in-training to the discussion of practical cases on selected issues in this field.

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1. Roadmap on the EU Charter of Fundamental Rights with reference to landmark decision of the courts on one or more of the following:

- a) Justice, victims' rights and judicial cooperation - Victims' rights, Defendants' rights, Civil justice, Judicial cooperation and rule of law, Security, Business and Human rights),
- b) Equality, non-discrimination and racism (Children, youth and older people, People with disabilities, Hate crime, Racial and ethnic origin, Religion and belief, Roma, Sex, sexual orientation and gender)
- c) Asylum, migration and borders (Access to asylum, Borders and information systems, Child protection, Irregular migration, return and immigration detention, Legal migration and integration, Trafficking and labour exploitation)
- d) Data protection, privacy and new technologies (Artificial intelligence and big data, Borders and information systems, Data protection, Unlawful profiling.

2. Case studies workshop - how to prepare a case study workshop specifically for EU law training (one or more of the above-mentioned sub-topics)

3. Judicial Writing Workshop - how to prepare a judicial writing workshop specifically for EU law training (one or more of the above-mentioned sub-topics)

4. EU Legal Research Workshop - How to access and use EU legal instruments and CJEU jurisprudence (one or more of the above-mentioned sub-topics)

Online Course

“TRAINING of EXPERTS ON EU LAW”
(14 modules)

The materials gathered from each of the 5 in-person seminars will support the development of an online course on EU law at the Judicial Academy. The online course for Training of Experts on EU law may include one or more of the following modules:

A. Fundamentals of EU law

- 1. Functioning of the EU (institutional and legal framework)
- 2. Fundamental principles of EU law (primacy and direct effect)
- 3. EU *acquis* chapters (general presentation)
- 4. Harmonization of legislation and the screening process (national priorities and current status)
- 5. Cooperation between national courts and the CJEU (preliminary ruling)

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B Charter of Fundamental Rights

6. EU *acquis* on the rule of law

C International Cooperation in the EU

7. International Cooperation in Civil and Commercial Matters

8. International Cooperation in Criminal Matters

D. Roadmap on EU *acquis* for specific target groups

9. Criminal law (key legislation and landmark cases on one or more of the following - common minimum standards for criminal proceedings, evidence in criminal proceedings, fight against corruption, cybercrime, fraud and money laundering, protection of victims)

10. Civil law (key legislation and landmark cases on one or more of the following - civil procedure, family law, employment law, contract law, tort law, inheritance law)

11. Administrative law (key legislation and landmark cases on one or more of the following - asylum, borders and immigration, energy, environment, public health and food safety (consumer protection), transport, public procurement, tax law and competition law)

12. Commercial law (key legislation and landmark cases on one or more of the following - company law, annulment of corporate decisions, legal consequences of insolvency, representation of legal entities, competition law)

E TOE skills

13. EU Law Legal Research (How to search for EU Law legal instruments, where to look for CJEU case-law, other resources for knowing and using EU Law)

14. Case studies and Judicial writing workshops (how to prepare a case study and judicial writing workshop specifically for EU law trainings)

Benefits:

- Provides a big picture overview, while focusing on case studies and interactive training during workshops.
- Targets higher level courts and senior judges. Raising awareness of EU law importance at the higher levels of the judiciary encourages good practices and can create a multiplier effect.
- With approx..70% of judges newly appointed, it will be important to create a program for training a new group of European judges.
- Targets specific problems judges face in their daily work (concrete cases for each target group) and focuses on harmonization of local legal framework with the EU *acquis*.

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- Helps build a repository of cases for the cross-reference system (e-Academy) from the roadmap section of each course.
- Provides a framework for development of future EU law training.

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